TL 4673

East Timor Human Rights Centre

Escalating Violations in East Timor: Is a Peaceful Solution Possible?

Annual Report of Human Rights Violations in East Timor 1998

February 28, 1999 Ref: SR2/98

East Timor Human Rights Centre Inc.
124 Napier Street, Fitzroy 3065. PO Box 1413, Collingwood 3066, Australia.
Telephone: +61 3 9415 8225 Fax: +61 3 9415 8218 E-mail: ethrc@minihub.org
Chair: Bishop Hilton Deakin Director: Ms Maria Brett

Escalating Violations in East Timor: Is a Peaceful Solution Possible?

Annual Report of Human Rights Violations in East Timor 1998

February 28, 1999 Ref: SR2/98

By Maria Brett and Simon Andrewartha

Thank-you to Ross Bird
for permission to use the front-cover photograph

© East Timor Human Rights Centre, 1999
All rights reserved

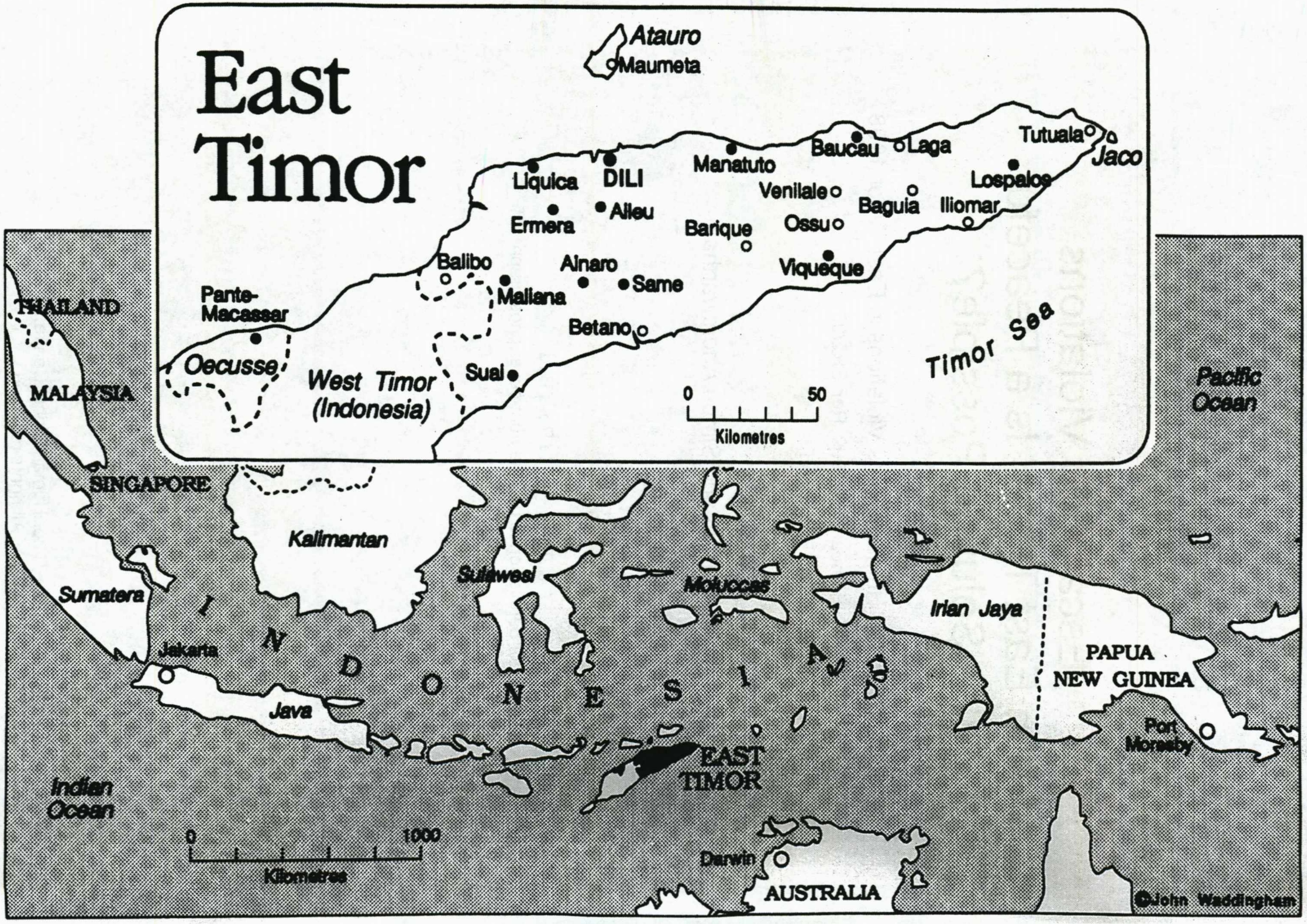
East Timor
Atauro
Maumeta
Tutuala
Jaco
Baucau
Laga
Manatuto
Liquica
DILI
Lospalos
Venilale
Baguia
Iliomar
Ermera
Aileu
Barique
Ossu
Balibo
Ainaro
Viqueque
Pante-Macassar
Maliana
Same
Betano
Timor Sea
Oecusse
West Timor (Indonesia)
Suai
0
50
Kilometres
THAILAND
MALAYSIA
SINGAPORE
Kalimantan
Sulawesi
Moluccas
Irian Jaya
Pacific Ocean
Sumatera
I N D O N E S I A
Jakarta
Java
PAPUA NEW GUINEA
Port Moresby
EAST TIMOR
Indian Ocean
0
1000
Kilometres
Darwin
AUSTRALIA
©John Waddingham

TABLE OF CONTENTS

Glossary of Terms ii

Executive Summary 1

A. INTRODUCTION 2
- 1. East Timor Hopes for Political Solution 2
- 2. Escalating Human Rights Violations 4
- 3. Overview of Human Rights Violations: 1997 to 1998 6
- 4. Agenda for a Peaceful Solution 7

B. RECOMMENDATIONS 10
- 1. Recommendations to Government of Indonesia 10
- 2. Recommendations to the East Timorese Resistance (CNRT) 11
- 3. Recommendations to the International Community 12

C. HUMAN RIGHTS VIOLATIONS 13
- 1. Violations of the Right to Life 13
  - 1.1 Extrajudicial executions 13
  - 1.2 Attempted extrajudicial executions 17
- 2. Violations of the Right to Individual Liberty 18
  - 2.1 Arbitrary detention 18
  - 2.2 Enforced disappearances 22
- 3. Violations of the Right to Integrity and Security of Person 24
  - 3.1 Torture 24
  - 3.2 Other cruel, inhuman or degrading treatment 29
  - 3.3 Rape and sexual abuse 31
- 4. Violations of the Right to Due Process 33
  - 4.1 Breaches of procedural guarantees 33
- 5. Violations of Freedoms of Expression and Association 34
- 6. Other Violations 34
  - 6.1 Intimidation and Persecution 34
- 7. Violations by Falintil 35

Appendix A : Other Cases Reported to the ETHRC 37
Appendix B: Political Prisoners Convicted & Held in East Timor / Indonesia 39
Appendix C: Political Prisoners on Trial or Awaiting Trial 46

Glossary of Terms

ABRI	Armed Forces of the Republic of Indonesia
Brimob	Police Mobile Brigade (a heavily armed special unit)
CNRT	Council of National Timorese Resistance
BTT	Territorial Battalion
Falintil	East Timorese National Liberation Army
Fretilin	East Timorese Front for Independence
Gadapaksi	Movement for the Defence of Integration (locally raised civilian militia)
Garuda Penculik	an Indonesian army combat battalion
Halilintar	Locally raised paramilitary unit
Intel	Military intelligence, usually in context of internal security
Hansip	Civil Defence Force (Indonesian national civilian militia)
Kodim	Military District Command
Kontras	Dili-based East Timorese NGO which documents violations
Kopassus	Special Forces Command
Koramil	Military Subdistrict Command
Mahidin	"Life or Death with Integration", civilian militia group
Ninja	Plain-clothed masked men recruited by the military to terrorise civilians
Polda	Police Area Command (police regional headquarters for East Timor)
Polres	Police District Command
Polsek	Police Sector Command
RATIH	Indonesian national militia
Rajawali	an Indonesian army combat battalion
SGI	Intelligence Task Force
Yayasan HAK	Human Rights Institute (local NGO providing legal representation)
Yonif	Infantry Battalion

EXECUTIVE SUMMARY

1998 saw major developments towards the resolution of the East Timor conflict. Following the resignation of President Suharto in May 1998, the spirit of reform prevailing under the incoming Habibie government introduced an unprecedented atmosphere of freedom and optimism into East Timor. President Habibie proposed a wide-ranging autonomy for East Timor, conditional upon East Timor accepting integration with Indonesia. While this option is believed to be unacceptable to the vast majority of East Timorese, the advance nevertheless represented a turning point for East Timor.

Then in January 1999, Indonesia announced an unexpected policy change, saying that if East Timor rejects autonomy as a final solution, President Habibie will ask the People's Consultative Assembly to consider granting East Timor independence, after the June 1999 election. It is the first time Jakarta has publicly acknowledged the possibility of an independent East Timor and appears to be an admission that Indonesia has lost the battle over East Timor.

At the latest round of UN talks in February, Indonesia agreed in principle to give the East Timorese the opportunity to accept or reject the autonomy offer. While Indonesia is yet to outline how it proposes to let the East Timorese people choose, it is still steadfastly opposed to the possibility of a referendum and has suggested that the consultation will take place by some other means.

While the dramatic shift in policy from Indonesia and the current direction of the UN talks herald extremely positive changes for East Timor, including unparalleled prospects for the territory's independence, conditions in East Timor have deteriorated markedly. Renewed military offensives against Falintil and intensive operations launched by ABRI against the civilian population have been accompanied by high levels of human rights violations.

Also of great concern is the creation of new civilian militia groups by ABRI in late 1998 and the increased role that paramilitary and militia groups, armed and trained by ABRI, have been taking. The escalation of violence and the increasing militarisation of the East Timorese population poses a serious threat to the implementation of a peaceful transitional phase to independence, and severely undermines the sincerity of the Indonesian government's commitment to finding a peaceful solution.

The escalation in violations in the second half of 1998 saw at least 28 East Timorese being subjected to extrajudicial execution, 149 arbitrary detentions, and 183 cases of torture and ill-treatment. The ETHRC also received numerous reports of intimidation. Many of these violations are a result of the military's efforts to suppress the political rallies and public meetings that have been fuelled by the new air of confidence existing in East Timor and constitute violations of the East Timorese people's rights to freedom of expression and association.

This report documents these violations, for the period July to December 1998, and proposes concrete steps which can be taken by the government of Indonesia, the East Timorese Resistance and the international community to reverse the trend of escalating human rights violations in East Timor. The recommendations contained in this report also provide an agenda for a peaceful solution to the East Timor conflict, based on respect for human rights. It is hoped the agenda will create the opportunity for a peaceful transitional period in East Timor, leading to a UN-supervised referendum, at which the East Timorese people can finally determine their own future.

A. INTRODUCTION

"It is better to fight with diplomacy, with intelligence, with discussion, rather than fighting with guns." [1]

- Bishop Carlos Ximenes Belo, Bishop of Dili
February 1999

1. East Timor Hopes for Political Solution

1998 and early 1999 have seen promising developments take place in East Timor's peace process. For the first time in its long and difficult struggle for peace, East Timor is hopeful that a political solution, leading to independence from Indonesia, is possible. In June 1998, the new Indonesian President, B.J. Habibie, under increasing pressure from the international community and the deepening economic crisis in Indonesia, proposed a wide-ranging autonomy for East Timor, on condition that East Timor accepts integration with Indonesia. Discussions of the autonomy proposal have been advanced in the context of the UN talks taking place between the governments of Portugal and Indonesia under UN auspices, but plans for an autonomy agreement to be reached by the end of 1998 did not eventuate. The stumbling block has been the question of self-determination, with Indonesia insisting that autonomy must be seen as a final solution, rejecting calls for a referendum which, its says, would open old wounds and lead to civil war in the territory. Meanwhile, Portugal has said it will not compromise on the East Timorese people's right to decide their own future through a UN-supervised referendum.

On 27 January 1999, Information Minister Yunus Yosfiah announced an unexpected policy change, saying that if East Timor rejects autonomy as a final solution, the President will ask the People's Consultative Assembly (MPR) to consider granting East Timor independence, after the June 1999 election. It is the first time Jakarta has publicly acknowledged the possibility of an independent East Timor and appears to be an admission that Indonesia has lost the battle over East Timor.

The autonomy being offered is "autonomy plus", which would, of course, require the East Timorese to give up the possibility of rejecting Indonesian sovereignty in the future. Yunus Yosfiah said the "mass" of East Timorese will be asked to accept or reject the autonomy package and if they reject it, the second option of independence will then be put to the MPR. This is the first indication that the East Timorese people will be given the opportunity to decide their future and the offer was made more concrete at the February 1999 round of UN talks, where Indonesia agreed, in principle, to consult the East Timorese people about their future.

However, Indonesia has still not explained how it will establish whether the people accept or reject autonomy and the method of consultation, which Alatas said could be a ballot, is still to be determined. Indonesian Foreign Minister, Ali Alatas said: "We have agreed in principle to now discuss a methodology…to find out whether this autonomy is acceptable or not acceptable to the East Timorese…"[2] Indonesia remains steadfast in insisting that a referendum is not possible: "What we would like to see is an effective method but not a full-fledged referendum...because we believe that a referendum contains more risks and dangers than it contains a possible solution to the problem."[3]

---

[1] Associated Press, 4 February, 1999.

[2] Agence France Presse, 7 February, 1999.

Indonesia has also steadfastly refused to release the jailed East Timorese Resistance leader, Xanana Gusmão, on grounds that he is a "criminal", although President Habibie has indicated that Gusmão will be released if autonomy is accepted as a final solution. Indonesia has, however, now bowed to international pressure to release Gusmão, and has transferred him to house arrest. This will enable Gusmão to play more of a role in the peace process, although this role is obviously still limited while he remains under house arrest. It is important that Gusmão is immediately and unconditionally released to enable him, as recognised leader of the East Timorese Resistance, to fully participate in all discussions and negotiations about East Timor's future. This should include direct participation in the UN talks.

On the ground in East Timor, the shifting Indonesian government policy appears to have contributed to greater instability, with clashes breaking out between pro-referendum and pro-autonomy groups. There has also been a marked escalation in human rights violations, with offensive military operations being launched by the Indonesian military. Paramilitary and civilian militia groups, which have been armed and trained by the military, are also wreaking havoc, terrorising the local population and even killing supporters of independence. The sincerity of the government of Indonesia's commitment to finding a peaceful solution is seriously undermined by this deterioration in the human rights situation. On the one hand, the government of Indonesia is considering independence for East Timor, while on the other hand, it is responsible for the recent escalation of violence in the territory.

Indonesia says there is a possibility East Timor will be free as early as January 2000 and concerns have been expressed by some commentators, and also by some East Timorese, that sudden independence for East Timor without preparation could precipitate a civil war, especially given that pro-integration groups have been heavily armed by the Indonesian military.

Others, including the ETHRC, believe talk of a possible civil war is unhelpful as it only fuels tension between opposing groups in the territory. Civil war is only one possible outcome, and not even the most likely one. Another possible outcome is that a hasty move towards independence could lead to chaos unless there is a transitional period in which the East Timorese people, with the support of the international community, can prepare for independence:

> *"To be cast adrift as early as mid-2000, with no long-term transition period in which to rehabilitate the traumatised society, also offers the East Timorese a dangerous short-term future, fraught with the possibility of further bloodshed and the breakdown of essential services."* [4]

This scenario could be avoided if there is sufficient commitment to finding a peaceful solution. Such a commitment requires immediate steps to be taken to reverse the trend of escalating human rights violations and to create a peaceful transitional period, to enable the East Timorese people to realise their hope for independence. What is needed is an agenda for ensuring that a solution is found by peaceful means, through dialogue and diplomacy, and not by violence.

---

[3] Agence France Presse, op. cit.

[4] Sydney Morning Herald, 30 January 1999.

2. Escalating Human Rights Violations

The escalation of violations in 1998 has paralleled the new political freedom enjoyed in the territory since a caretaker government was installed in Indonesia last May, under B.J. Habibie. The freedom to organise, conduct political rallies and express opinion in public has clearly not been matched by a relaxation of the Indonesian military's efforts to suppress opposition to Indonesian rule.

The openness which has allowed the East Timorese to engage in public discussion of the territory's future has led to the formation of numerous political groups advocating independence for East Timor, via the conduct of a referendum. The mass support for this movement has been manifest in the attendance of large sections of the population at public meetings, known as "dialogues", held throughout East Timor. The increase in human rights violations in the latter half of the year is, in part, a reflection of the Indonesian military's campaign against those suspected of participating in or organising these events, but it also reflects a renewed effort to strengthen military control in the territory by undermining the effectiveness of Falintil, the East Timorese National Liberation Army.

The types of violations predominating in this period have been characterised by intimidation of civilians to prevent public expressions of dissent, including support for independence, and by the conduct of punitive raids in areas where political dialogues took place. Intimidation has taken the form of death threats and shooting at suspects, while raids have been attended by beatings, torture, and indiscriminate shooting. Many people in rural areas have had to flee their homes, fearing for their safety. There have also been numerous arbitrary arrests, with detainees being interrogated, tortured and ill-treated. Most notably, the inhabitants of the Bobonaro district have suffered doubly from military operations launched in response to a political dialogue held in Atabae in early November, and the killing of ABRI personnel in Cailaco later that month.

Indonesian military retaliation for attacks against military personnel constitute the source of the most serious violations in terms of the number of victims involved and the nature of the abuses suffered. The operations against the civilian population in the subdistricts of Alas and Cailaco caused a mass exodus of the residents of both locations, and left up to fifty civilians dead in Alas. Numerous others were victims of beatings and torture in a wave of attacks on the surrounding villages of each area.

Arbitrary executions have also become increasingly common, most often in the style of "death squad" assassinations or premeditated murder. The profile of the perpetrators of these and other violations also altered considerably in late 1998 and early 1999, with a marked increase in violations by members of civilian militia and paramilitary organisations, which have been operating alone or with the support of regular military units.

Large-scale offensives involving both paramilitary and regular units were launched in September in a renewed effort to destroy Falintil, the armed wing of the East Timorese resistance. These offensives followed a steady increase in troop numbers in the territory, which began in late August, contrary to claims by Indonesia that troops numbers had decreased following the much publicised withdrawal of 1,000 troops in early August. While the military operations were directed at the guerrilla army, East Timorese civilians were frequently targeted as sources of intelligence and subjected to torture and ill-treatment.

The leaking of Indonesian army documents to Western embassies and the media in late October provided conclusive evidence as to the true extent of Indonesia's military commitment in East

Timor and the nature of its organisation. The leaked documents revealed that the total number of ABRI forces in the territory was more than three times higher than the most conservative estimates cited by the Indonesian government. While Indonesia's Foreign Affairs Minister, Ali Alatas, had claimed that there were only 6,000 territorial troops and no combat troops remaining in East Timor, the army personnel data showed that there were approximately 21,000 troops on the ABRI payroll.[5] The US-based East Timor Action Network, which obtained a copy of the leaked documents, put the number of troops as high as 21,620.[6]

In relation to the withdrawal of combat troops from East Timor, Ali Alatas stated that "the withdrawal of battle troops will be done continually, based on the condition[s] and situation in East Timor".[7] However, the army records point to the existence of five combat battalions in East Timor, each consisting of 985 personnel, plus a further ten companies based in Dili. The troops stationed in Dili also include a Kopassus company and a Kopassus headquarters command and intelligence unit. Based on this information, the total number of combat troops in East Timor stands at 7,938.[8]

Also evident from the data is the fact that between late 1997 and August 1998, overall troop numbers had, in fact, risen by 1,766. Moreover, local sources reported an additional influx of troops into East Timor from August to September via the West Timor border and in night-time coastal landings at sites along the north coast remote from the capital. While estimates for these additional troops range from 2,000 to 8,000, it is nevertheless apparent that the numbers involved are well in excess of the increase evident from the leaked documents. It is clear then that these last figures represent a covert build up of troops preparatory to the operations against Falintil in September.

The organisational structure of ABRI in East Timor, as evidenced by the leaked personnel data, clearly shows the official standing of locally raised paramilitary and civilian militia groups as part of Indonesia's defence force. The leaked documents listed a total of thirteen paramilitary or militia-type organisations under ABRI control in East Timor. The aggressive way in which these units have been employed against the civilian population, confirms the pattern of divide and rule already established with the recruitment of East Timorese into the territorial units of the regular army. Paramilitary units, such as Halilintar, Team Alpha and Team Saka, have received substantial training from the Indonesian military and operate as uniformed members of the Indonesian army. They have been widely used in counterinsurgency operations from the early to mid 1990s onwards.

The divisive role of paramilitaries has been taken further with the creation of new civilian militias in late 1998. While formed under the aegis of RATIH, a national militia being raised by ABRI, the militia groups raised in East Timor have taken names such as Mahidin, "Life or Death with Integration" and have been organised by local East Timorese leaders loyal to the Indonesian government. Members of the groups have been issued military weapons and given minimal training, and attacks staged by the groups appear to have taken place with the tacit support of the Indonesian military. Together with the manner in which the new militia groups have been raised, the support and licence given the groups points to a deliberate attempt by ABRI to continue the conflict initiated by Indonesia with the invasion of East Timor in 1975.

---

[5] Don Greenlees, The Australian, 24 October 1998; Don Greenlees, The Australian, 30 October 1998.

[6] ETAN, Media Release, 30 October 1998.

[7] Reuters, 28 October 1998.

[8] The Australian, 30 October 1998, op cit.

3. Overview of Human Rights Violations: 1997 to 1998

The increase in human rights violations in the second half of 1998 has continued the downward spiral of conditions in East Timor witnessed during the first half of the year. This report focuses on human rights violations in East Timor in the period July to December 1998, but also includes some earlier violations not previously documented by the ETHRC and some violations which have taken place in early 1999.

The report documents serious violations by Indonesian security force personnel including extrajudicial executions, arbitrary detention, torture and ill-treatment, disappearances and rape. Many of these violations can also be seen as restrictions of freedom of expression and association. In addition, the report contains some reports of violations allegedly perpetrated by Falintil, the East Timorese armed resistance.

The statistics below for the second half of 1998 show a sharp increase in violations compared with the first half of 1998. The Justice and Peace Commission, run by the Dili Diocese of the Catholic Church, documented similar statistics for violations in 1998: 212 cases of arbitrary arrest and detention, 54 extrajudicial executions, 19 disappearances, 234 cases of intimidation, 89 cases of torture and ill-treatment, and 24 cases of rape and sexual abuse.

Violations of Civil and Political Rights: 1998

	January to June	July to Decemb.	Total for 1998
Violations of Right to Life			
Extrajudicial Execution	23	28	51
Attempted Extrajudicial Execution	1	7	8
Violations of Right to Individual Liberty			
Arbitrary Detention	107	149	256
Enforced Disappearances	20	1	21
Violations of Right to Integrity & Security of Person			
Torture	95	63	158
Other Cruel, Inhuman or Degrading Treatment	74	120	194
Rape	4	1	5
Attempted Rape	3	-	3
Sexual abuse	-	2	2
Right to Due Process			
Breach of Procedural Guarantees	11	11	22
Violations of Political Rights			
Freedom of Expression and Association	1512	55	1,567
Other Violations			
Intimidation and Persecution	40	23	63
Total	**1,890**	**460**	**2,350**

4. Agenda for a Peaceful Solution

The recent escalation of human rights violations in East Timor has followed the increase in offensive operations by the Indonesian military and the arming of paramilitary and civilian militia groups in the territory. This has raised concerns that, in the short-term, East Timor is likely to face further violence and a breakdown in law and order and essential services. However, a peaceful solution is possible if there is a genuine commitment to peace. Such a commitment requires immediate steps to be taken to reverse the trend of human rights violations and to create an atmosphere of peace and cooperation in East Timor. Ideally, there will be a transitional period of two to five years, in which preparations can be made for a UN-supervised referendum, and the East Timorese people, with the support of the international community, can prepare for the expected outcome of independence.

What is needed is an agenda for ensuring that a solution is found by peaceful means, through dialogue and diplomacy, and not by violence. Immediate steps can be taken by the government of Indonesia, the East Timorese Resistance and the international community in order to contribute to the peace process. First, there should be an immediate end to all hostilities in the territory with a view to implementing a complete cease-fire. Second, the complete demilitarisation of East Timor, under UN supervision, is essential. This will require the complete withdrawal of Indonesian troops, the disarming of Falintil, the East Timorese National Liberation Army, and the disarming and disbanding of all paramilitary and civilian militia groups. A permanent UN presence is needed in East Timor to enable UN supervision and verification of these stages of the peace process.

Options for deploying a permanent UN presence to East Timor need to explored, in the context of the Tripartite Talks continuing under UN auspices, and in consultation with East Timorese leaders. The options include posting UN human rights monitors in East Timor, deploying UN peace-keeping forces, and/or providing a UN interim administration.

A transitional period, preferably under UN administration, would enable the East Timorese people to prepare for independence, strengthen East Timorese civil society, build effective institutions and move towards democracy and good governance. There is also be a need for a reconciliation process to be implemented in East Timor. This will not only contribute to a peaceful transition to independence but will also assist the East Timorese people to heal the trauma of 24 years of human rights violations under Indonesia and create a future based on respect for human rights. Local human rights organisations have an important contribution to make to the promotion and protection of human rights in East Timor. The international community could provide material and diplomatic support for their efforts.

Also aimed at promoting and protecting human rights is the agreement reached in August 1998 between the government of Indonesia and the UN High Commissioner for Human Rights for "technical cooperation" in the field of human rights. Under the agreement, which is valid for two years, the Office of the UN High Commissioner for Human Rights will cooperate with and assist the Government of Indonesia in the implementation of technical cooperation programmes. UN representative, Professor Sam S. Souryal, will implement the programme from the office of the UNDP (United Nations Development Programme) in Jakarta. It is understood he will be allowed access to East Timor.

The government of Indonesia has claimed that agreement for technical cooperation will advance human rights in East Timor, but the ETHRC believes it falls far short of what is actually needed in terms of international human rights monitoring in the territory. The agreement does not make it clear whether the UN officer will be able to monitor human rights abuses in East Timor, which is clearly what is required.

The release of all East Timorese political prisoners is also essential. In 1998, some political prisoners were released[9] and in early 1999, the Indonesian government bowed to international pressure to release Xanana Gusmão, moving him to house arrest. While these steps are welcomed, they clearly do not go far enough. In addition to political prisoners documented in this report, it is believed there are at least 97 East Timorese political prisoners still detained in East Timor and Indonesia.[10] These prisoners should all be released as a confidence-building measure, while Gusmão should be unconditionally released to enable him to participate fully in the discussions for a peaceful solution.

In fact, genuine participation by a broad range of East Timorese in the discussions and negotiations about East Timor's future is necessary. This should include participation in the Tripartite Talks, which are continuing under UN auspices. The current forum for East Timorese participation, the All-inclusive Intra-East Timorese Dialogue (AIETD), remains ineffective. The fourth AIETD, which was held in late October, discussed options for East Timor's future but the meeting came to an impasse when pro-integration and pro-independence East Timorese failed to reach agreement on the question of self-determination. The pro-integration group rejected a CNRT[11] document, which proposed a transitional period of self-rule followed by a UN-supervised referendum in two to five years. CNRT has said it will not participate in any further AIETD meetings in their present form.

In the coming year, there is a need for greater cooperation by the government of Indonesia with the UN Human Rights Commission (UNCHR) and its human rights mechanisms. In 1998, the government of Indonesia showed some cooperation with the UNCHR by complying with some of the undertakings contained in the 1998 Chairman's Consensus Statement. Compliance with the 1998 statement led to a visit to East Timor by the UN Working Group on Arbitrary Detention, although the visit did not take place until February 1999. This has raised concerns that the Working Group will not be able to prepare its report in time for the 55th session of the Commission in March.

In the 1998 Statement, the UNCHR Chairman stressed the need for the government of Indonesia to implement other commitments made to the UNCHR in previous Chairman's Statements which, to date, have not been implemented.[12] These include an undertaking to invite the Special Rapporteur on Torture to visit East Timor. The government of Indonesia has also largely ignored recommendations contained in the various resolutions adopted by the UNCHR[13] including a call to invite the Working Group on Enforced or Involuntary Disappearances to visit. The government of Indonesia should, as a matter of priority, implement all outstanding UNCHR recommendations.

Concrete steps also need to be taken to address the human rights violations continuing in the territory. The ETHRC has made detailed recommendations to the government of Indonesia to address specific violations, including stopping the practices of arbitrary detention and torture of individuals, ensuring that detainees have prompt access to lawyers of their own choice, and ensuring that all East Timorese people have the right to freedom of expression and association.

---

[9] For details see East Timor Human Rights Centre, "East Timorese Political Prisoners", Ref: SPR 1/98, 23 June 1998; and "East Timorese Political Prisoners Progress Report", Ref: SPR1/98PR, 15 October 1998.

[10] See Appendices B and C for details.

[11] Council of National Timorese Resistance, the umbrella organisation for the East Timorese Resistance.

[12] Statements by the Chair were negotiated in 1994, 1995, 1996 and 1998.

[13] Resolutions were adopted in 1993 and 1997.

There is also a need to investigate past human rights abuses and to bring the perpetrators to justice, ending the almost complete impunity which members of the Indonesian security forces responsible for violations in East Timor have enjoyed for more than 23 years. Past violations, including those documented in this report, should be investigated by an independent, international expert who, ideally, would be a representative of the UN. There is also an urgent need for the government of Indonesia to clarify the whereabouts of all people documented as “disappeared”.

The government of Indonesia recently announced that the Indonesian National Human Rights Commission will establish a Peace Commission in order to address the escalating violence in East Timor. The Commission will be made up of East Timorese leaders, and representatives of the armed forces and the Indonesian administration. The principal role of the Commission would be to educate the East Timorese in order to bring about an end to the violence.[14] The establishment of the new Commission has been welcomed by Xanana Gusmão and also by the ETHRC, but only time will tell whether the Commission is able to make a contribution to stability and peace in East Timor.

Ultimately, peace in East Timor will only be possible if a solution to the political conflict is found, which is based on respect for human rights. The agenda for a peaceful solution contained in this report requires a genuine commitment to peace and human rights, and outlines concrete recommendations aimed at reversing the trend of escalating violations. It is hoped this will create the opportunity for a peaceful transitional period in East Timor, leading to a UN-supervised referendum, at which the East Timorese people can finally determine their own future.

---

[14] Reuters, 12 February 1999.

B. RECOMMENDATIONS

To ensure that a solution to the East Timor conflict is found by peaceful means, through dialogue and diplomacy, rather than by violence, urgent steps are needed to address the escalating violations and to create a climate of peace and cooperation in which East Timor can realise its hope for independence.

1. Recommendations to the Government of Indonesia

The government of Indonesia should demonstrate its commitment to finding a peaceful solution by taking the following steps:

A peaceful solution to the East Timor conflict

1. Immediately cease all offensive military operations in East Timor and put an end to the human rights violations which continue to be perpetrated by the Indonesian military and by civilian militia and paramilitary groups. Take steps to bring about an agreement with CNRT for a complete cease-fire in the territory.

2. Immediately and unconditionally release Xanana Gusmão from "house arrest". Allow Xanana Gusmão and other leaders of the East Timorese Resistance to participate in discussions to find a peaceful settlement to the East Timor conflict. This should include full participation in the Tripartite Talks, which are continuing under UN auspices.

3. Immediately and unconditionally release all East Timorese prisoners of conscience, detained or convicted solely for the non-violent expression of their views, and any other East Timorese prisoners, detained or convicted for political reasons.

4. Explore options, in the context of the Tripartite Talks under UN auspices, and in consultation with East Timorese leaders, for a permanent UN presence in East Timor. The options include posting UN human rights monitors, deploying UN peace-keeping forces, and/or providing a UN interim administration.

5. Withdraw all Indonesian troops from East Timor and ensure that troop withdrawals take place under UN supervision.

6. Disband and disarm all paramilitary and civilian militia groups operating in East Timor. Ensure this is done under UN supervision.

7. Allow regular and unhindered access to East Timor for international human rights organisations, including the ETHRC, for the purpose of human rights monitoring. Allow local human rights organisations to undertake their work unhindered and without harassment.

8. Set a timetable for a UN-supervised referendum to enable the East Timorese people to exercise their right to self-determination. A UN-supervised referendum is the only democratic process which will enable the people to freely decide their future.

Addressing human rights violations in East Timor

9. Stop the practice of arbitrarily arresting individuals for their non-violent political activities and ensure that all East Timorese people have the right to freedom of expression and association, without fear of harassment, arbitrary arrest, imprisonment, torture and ill-treatment.

10. Release all those in detention who have not been charged with a recognisable offence under Indonesian law and ensure that detainees have prompt access to lawyers of their own choice.

11. Stop the practice of using military forces to arrest and interrogate suspects, as these are functions of the police under Indonesia's Criminal Procedure Code (KUHAP).

12. Establish a central register of all detainees in East Timor and require all members of the military and police to report the names of detainees immediately so that family members can be notified.

13. Ensure that all East Timorese in police or military custody are treated humanely and in accordance with international standards.

14. Ensure that all trials in East Timor are conducted in accordance with international standards.

15. Clarify immediately the whereabouts of all people documented as "disappeared" in this report and conduct full and impartial investigations of other violations contained in this report. The perpetrators should be prosecuted to the fullest extent of the law and if found guilty, given sentences which reflect the seriousness of the crimes.

Co-operation with the United Nations

16. Cooperate fully with the UN Commission on Human Rights (UNCHR) and its thematic rapporteurs and working groups. Take steps to implements all outstanding recommendations made by the UNCHR and its mechanisms, including:

    - Inviting the Special Rapporteur on Torture to visit East Timor (UNCHR resolution, 1997)
    - Inviting the Working Group on Enforced or Involuntary Disappearances to visit East Timor (Recommendations of UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, 1994)

2. Recommendations to the East Timorese Resistance (CNRT)

The East Timorese Resistance should also take steps to ensure that a peaceful solution is possible:

1. Publicly state its commitment to the norms established under international humanitarian law and ensure the East Timorese Resistance, including its National Liberation Army, Falintil, abides by that commitment.

2. Issue instructions to Falintil to immediately cease all offensive operations in the territory. Take steps to bring about an agreement with the government of Indonesia for a complete cease-fire.

3. Under UN supervision, ensure the complete disarmament of Falintil.

3. Recommendations to the International Community

The international community can support efforts to find a peaceful solution to the East Timor conflict in the following ways:

1. Express its concern over escalating human rights violations in East Timor.

2. Encourage the governments of Indonesia and Portugal to explore options, in the context of the Tripartite Talks under UN auspices, and in consultation with East Timorese leaders, for a permanent UN presence in East Timor. The options include posting UN human rights monitors, deploying UN peace-keeping forces, and/or providing a UN interim administration.

3. Support calls for the government of Indonesia to take the following steps:
   - Release all East Timorese prisoners detained solely for their political activities, including Xanana Gusmão, who remains in house arrest.
   - Withdraw all Indonesian troops from East Timor, under UN supervision.
   - Disband and disarm all paramilitary and civilian militia groups operating in East Timor, also under UN supervision.
   - Allow regular and unhindered access to East Timor for international human rights organisations, including the ETHRC, for the purpose of human rights monitoring. Allow local human rights organisations to operate unhindered and without harassment.
   - Set a timetable for a UN-supervised referendum to enable the East Timorese people to exercise their right to self-determination.

4. Provide material and diplomatic support for the efforts of local human rights NGOs to protect and promote human rights on the ground in East Timor.

5. Promote and support initiatives to establish a reconciliation process in East Timor, such as a Truth and Reconciliation Commission. This will not only contribute to a peaceful transition to independence but will also assist the East Timorese people to heal the trauma of 24 years of human rights violations under Indonesia and create a future based on respect for human rights.

6. Promote and support efforts to strengthen East Timorese civil society, build effective institutions and promote democracy and good governance.

7. In the context of the forthcoming 55th session of the UN Commission on Human Rights (UNCHR):

   - Call for the UN Working Group on Arbitrary Detention to make its preliminary report available in time for the session of the UNCHR and call for recommendations of the Working Group to be implemented.
   - Call for the government of Indonesia to cooperate fully with the thematic rapporteurs and working groups of the UNCHR.
   - Call for the government of Indonesia to implement all outstanding recommendations made by the UNCHR and its mechanisms, including inviting the Special Rapporteur on Torture and the Working Group on Enforced or Involuntary Disappearances to visit East Timor.
   - Support calls for a strong resolution on the question of East Timor to be tabled at the UNCHR.

C. HUMAN RIGHTS VIOLATIONS

In the period July to December 1998, East Timorese people were subjected to extrajudicial execution, arbitrary detention, torture, ill-treatment, disappearances, rape and unfair trials, as well as facing restrictions of freedom of expression and association. This report is not a comprehensive account of all violations during this period but is based on information reported to the ETHRC.

The violations are clear breaches of the fundamental rights enshrined in the Universal Declaration of Human Rights, which the government of Indonesia has endorsed through its membership of the United Nations. They also constitute violations under the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Although these instruments have not been ratified by the government of Indonesia, they represent the widely accepted standards within the international community.

1. Violations of Right to Life

1.1 Extrajudicial Execution

During the period covered by this report, the ETHRC received 35 reports of violations of the right to life perpetrated against East Timorese people, of which 28 were extrajudicial executions and 7 were attempted extrajudicial executions. Indonesian security force personnel are believed to be responsible for most of the executions but civilians are also responsible for some killings.

For the vast majority of the cases perpetrated by the Indonesian military, the government of Indonesia has undertaken no investigations and the perpetrators have not been brought to trial or punished. Of particular concern is the fact that there has not been a full and impartial investigation into the violations committed during the military operations in November in the Alas subdistrict, which is believed to have resulted in up to fifty East Timorese civilians being killed by Indonesian military personnel. Given the seriousness of the allegations, the ETHRC believes such an investigation should be carried out but an independent, international expert, who should ideally be a representative of the United Nations.

Case 1.1.1

On 2 April, **Domingos Amandio**, 43, **Domingas da Costa**, 39, and their eighteen month old daughter, **Maria da Costa**, were shot dead in their home in Garuai village, Baucau district. According to ETHRC sources, three unidentified men approached Amandio's house at approximately 1 p.m. While two of the men waited outside, the third entered the house under the pretence of buying some kerosene. The man then shot Amandio dead as he turned to fetch the kerosene. The same man then shot Amandio's wife and their young daughter who was being held in her mother's arms. Both died instantly.

While the perpetrators are unknown, the killings are believed to be politically motivated. There are two conflicting versions of the incident: the first version is that the Indonesian military is responsible for the killings while the second version is that the East Timorese Resistance is responsible (see case 7.1 for details). The ETHRC has not been able to confirm which version is correct and has therefore called for a full and impartial investigation.

Case 1.1.2

On 10 May, **Carlos da Costa**, 30, was killed during a military assault on a house in the village of Bucoli, Baucau district. Carlos da Costa was previously reported by the ETHRC as disappeared[15] but ETHRC sources have now confirmed that Carlos da Costa was shot dead during the assault.

Case 1.1.3

On 3 June, **Januario da Costa Ximenes**, was stabbed to death by Private (first class) Lucio da Costa in Soba village, Laga subdistrict, Baucau. The victim was returning home from community service work with youths from "Mudika", a Catholic youth group, when he was called by his aunt, Lucia da Costa, wife of Lucio da Costa, to follow her to her home. At approximately 7 p.m., Lucio da Costa arrived at the house, and upon seeing the victim immediately attacked him with a knife, stabbing him repeatedly. Januario Da Costa Ximenes died instantly. The perpetrator then turned himself in to Polsek, Laga. He is now in detention at the Baucau Military Police headquarters. It is alleged that the victim had had a sexual relationship with Lucio da Costa's daughter.

Case 1.1.4

On 24 September, junior high school student, **Castro Ribeiro**, 16, of Baurah hamlet, Leorema village, Bazartete subdistrict, was stabbed to death by a number of civilians in Lebuae hamlet, Darulete village, Liquiça district. It is believed that Castro Ribeiro's murder was instigated by the head of Lebuae hamlet, and local Gadapaksi militia chief, Carlos Melo, who suspected Ribeiro of involvement in the clandestine resistance movement.

Two of the civilians suspected of direct involvement in the killing, are Agustinho Almeida, a classmate of the victim, and Agustinho's father, José Almeida. After interrogation of these suspects by police investigators from Polres Liquiça, the body of the victim was located and disinterred. The subsequent examination of the body revealed multiple stab wounds to the torso, and cuts to the forehead and neck, caused by blows delivered with a metal object, as well as multiple fractures of the limbs. Agustinho Almeida is now being tried for murder under Indonesian criminal law. Carlos Melo, José Almeida and two others, José Leonardo and Eugebio Almeida, are being tried for concealment of a crime, and are currently under house arrest.

Case 1.1.5

On 24 September, **Anastacia de Assunçao**,18, of Assalaino village, Lautem district, was killed on her way home from school.[16] Anastacia was last seen getting a lift home from school on a motorcycle. The driver and prime suspect was identified as Damiaun, a member of the paramilitary group, Team Alpha. Local police concluded that Anastacia's death was accidental and that she sustained head and neck injuries when she fell from the motorcycle. Damiaun was convicted of contributing to Anastacia's death as the driver of the motorcycle (KUHP Articles 359 and 360) and was sentenced to one and a half years imprisonment.

---

[15] East Timor Human Rights Centre, "East Timor: No Solution Without Respect for Human Rights", Bi-Annual Report of Human Rights Violations in East Timor, January to June, 1998; August 18 1998, Ref: SR 1/98; page 20.

[16] ETHRC UA 15/98, 11 November 1998.

ETHRC sources claimed that Anastacia was, in fact, killed by the suspect because of her family connections with members of the armed resistance. It is believed she was the niece of a local Falintil commander. Sources also suspected that the victim may have been raped and that there was inadequate investigation of the case. No autopsy was conducted and the victim's body was buried two days after the incident.

Case 1.1.6

In November, the people of Alas subdistrict, Manufahi district, in the south of East Timor, experienced a marked escalation of violations which took place in the context of an intensive military operation aimed at finding those responsible for attacks against ABRI members in the area. The first attack against ABRI took place on 29 October at a political meeting at Weberek and resulted in the killing of three Indonesian soldiers and a civilian by members of Falintil (see case 7.2 for details). The second attack took place on 9 November when members of Falintil and East Timorese civilians assaulted a military command post in Alas. Three ABRI soldiers were killed, another thirteen taken captive, and a large cache of rifles and ammunition was taken. Eleven of the captives were subsequently released. It is believed the remaining two decided to join the Resistance.

In the military crackdown that followed, serious violations were committed by ABRI personnel in the Alas area, including extra-judicial executions, arbitrary detentions, torture and ill treatment, and sexual abuse. According to ETHRC sources, the ABRI forces responsible for the military operation and for the many human rights violations that were perpetrated included personnel from battalions 315, 744, 745, Marine forces, Garuda Penculik, Black Horse Mobile Brigade and Hansip.

Between 9 and 16 November, it is believed up to fifty East Timorese people were killed by ABRI personnel in what local sources have described as a "massacre". Many others were arrested and arbitrarily detained (see case 2.1.12 for details) with some detainees being subjected to torture and ill-treatment (see cases 3.1.5 and 3.1.6 for details). Numerous others became victims of random acts of violence committed by military personnel (see case 3.2.6 for details). Two young East Timorese women were also subjected to sexual abuse and harassment in addition to being repeatedly beaten by military personnel (see case 3.3.2 for details).

Reports of a massacre taking place in the Alas subdistrict were called into question by the International Committee of the Red Cross (ICRC).[17] The ICRC delegate who was sent to the area said only four people had been killed, 13 detained, and some property destroyed. However local human rights NGOs have expressed doubts about the ICRC's findings, given that it is not a human rights organisation and does not have expertise in fact-finding. The ICRC also operates under strict requirements of confidentiality. It appears that the limited investigation undertaken by the ICRC was done under the scrutiny of the Indonesian military and it is unlikely the local population would have felt free to disclose any information they may have about the alleged killings.

The local population was certainly living in great fear, as evidenced by the fact that many villagers fled to the surrounding forest areas for safety. Others took refuge at their local Catholic parishes and some sought refuge in Dili. Those villagers who remained at home faced a critical shortage of food and water as ABRI was controlling the food supply and it is believed the military also destroyed the water pipeline. Access into the Alas subdistrict was forbidden and roads were blocked to prevent access by outsiders. According to some reports, soldiers also burnt thirty homes belonging to the East Timorese who were arrested or killed in the attack.

---

[17] International Committee of the Red Cross (ICRC) Media Release 98/40, 26 November 1998.

The number of people actually killed in the crackdown remains unclear as local human rights organisations have faced great difficulties in obtaining accurate information about the incident because of restriction on access to the Alas area. However, the ETHRC has received details of nineteen people who, it is believed, were killed during the operation.

On or about 9 November, **Felipe** (no surname) and four other unidentified civilians were summarily executed. It is believed the victims were arbitrarily arrested in Alas and taken away in a military truck. When the truck bearing the detainees arrived at the Dotik military post, one of the five, Felipe, was taken behind the military post and killed with an axe until his body was mutilated. He was buried at the same site and the burial was witnessed by a member of the Catholic Church. The perpetrator is believed to be Chiquito, a member of military intelligence. The other four were shot dead and their bodies buried in different locations, one at the Becucu military post, and another at Motakelan military post. The location of the two other bodies is unknown.[18]

On 13 November ABRI forces attacked the village of Taitudak, arresting **Vicente Xavier**, the village chief, and four other unidentified young people. They were taken to the village of Barike where they were shot dead by military personnel. In a report from the Dili-based newspaper *Suara Timor Timur,* the Indonesian military chief of East Timor, Colonel Tono Suratman, confirmed the death of Vicente Xavier, claiming that the village chief had been one of the masterminds behind the Falintil attacks on the military.

In a later report to the ETHRC, nine people, believed to have been killed, were identified. They were: **Guilhermino Goncalves**, 40, killed by BTT 744; **Agusto da Costa**, 38, of Dalan village, Tutuluro subdistrict, killed by BTT 744; **Adriano Fernandes**, 27, of Taitudak village; **Antonio Rebelo** of Mahakidan village; **Egidio da Costa**, 23 of Taitudak village; **Fransisco Xavier** (alias Angelito) of Turiscai, killed by members of Koramil and a combined unit; **Martino Barreto**, 24, of Turiscai, killed by combined unit of battalions 745, 744 and Koramil troops; **Mateus Manu Bereliku**, 48, and **Luis Fatima Soares**, 25, both of Mindelo village, Tuirscai, killed by battalions 745, 744 and Koramil troops from Turiscai. It is not clear whether some of the nine identified victims were amongst those earlier reported as killed but unidentified.

Case 1.1.7

At 8.00am on 2 December, **Fransisco Carvalho**, of Mata-Hui village, was shot dead by two unidentified men as he was teaching at the Uato-Lari local school, Viqueue district. A Catholic nun and other teaching staff present at the school were also threatened by the men. The incident was reported immediately to the local Koramil post, however a pursuit of the perpetrators was not conducted until 11.00am. Spent cartridges taken from the site of the incident have been identified as originating from M-16 rifles. It is believed the Indonesian military is responsible for the death of Francisco Carvalho. As far as the ETHRC is aware, there has been no investigation of the killing.

---

[18] ETHRC UA 17/98, 23 November 1998.

Case 1.1.8

On 10 December, it is believed an East Timorese man was killed by ABRI personnel and civilian collaborators belonging to a paramilitary group. The ETHRC has not been able to confirm the identity of the victim who was buried on 12 December. The killing was part of the intensive military operation in the Cailaco area in late November and early December, intended to find those responsible for the 27 November killing of two members of ABRI (see case 2.2.13 for details).

Case 1.1.9

On 3 January 1999, in the Ainaro subdistrict, eight East Timorese youths were shot and attacked with machetes by members of the "Mahidin" (Life or Death with Integration) civilian militia group. Two of the youths, **Julio** (no surname), 24, and **Reinaldo** (no surname), 23, were killed and another six sustained serious injuries (see case 3.2.8 for details).

It is believed the violence started when members of Mahidin shot at two youths, at the Mahidin headquarters in the village of Munatasi, Ainaro subdistrict (see case 3.2.8 for details). The two youths went to tell a group youths what had happened and the group immediately set out for the Mahidin headquarters, intending to stage a counter-attack. However, en route, the youths were confronted by armed Mahidin personnel who immediately opened fire on them. Reinaldo and Julio both died instantly and the other six sustained serious gunshot wounds.

Those directly responsible for the killings are believed to include João Baptista, José Perreira and Celesatino, under the leadership of Cancio Lopes de Carvalho, head of the local Mahidin militia.

1.2 Attempted Extrajudicial Execution

Case 1.2.1

On 30 July, student activist **Pedro Araujo** was shot by three plain-clothed members of the military outside his home in the suburb of Bairo-Pite, Dili. The attempted execution was witnessed by Araujo's uncle, Francisco Araujo, who was present in the house at the time. It is believed the perpetrators asked the police to take away the body immediately after the shooting. According to sources, Pedro Araujo survived the shooting and was treated at Wirahusada military hospital, Dili.

Case 1.2.2

On 30 November, six civilians were shot at by members of BTT 144, SGI and the Halilintar paramilitary in the Sare area on the border of Cailaco and Atabae subdistricts and the Ermera district. They were identified as **Alfonso Goveia**, 28, **Domingos Cardoso**, 30, **Alexandrino Nesi**, 28, **Carlos Soares**, 24, **Alberto Lacobebi**, 25, and **Santiago** (no surname), 30.

It is believed the attempted executions were connected with the hunt for the killers of two ABRI personnel in Cailaco on 27 November (see case 2.1.13 for details). Since the 27 November killings, East Timorese civilians in Cailaco have been repeatedly terrorised by the military.

2. Violations of the Right to Individual Liberty

During the period covered by this report, the ETHRC received 150 reports of violations of the rights to individual liberty against East Timorese people, including 149 East Timorese people who were arbitrarily detained and one person who disappeared. The ETHRC also received further information about several disappearance cases from earlier periods. Some of the information obtained alleges that the "disappeared" people were in fact killed, but these reports are very difficult to confirm.

Once again, the vast majority of allegations have not been investigated and the perpetrators have not been brought to trial or punished, highlighting the fact that members of the Indonesian security forces enjoy almost complete impunity for violations perpetrated against East Timorese people.

2.1 Arbitrary Detention

As the statistics indicate, arbitrary detention is a frequent practice is East Timor. The detentions documented here were arbitrary by accepted international standards but Indonesian authorities also failed to comply with standards under their own legal system. Suspects were invariably arrested without warrants,[19] they were often arrested by the military or civilian militia, rather than by police, as required under Indonesian law,[20] and they were not charged and brought to trial within the proper time required by law.

Case 2.1.1

On 13 July, **Eusebio Ximenes**, 22, and **Salvador Carvalho**, 24, were arrested by members of SGI, Rajawali, BTT 512, Yonif 744 and Police in Bairo Economico hamlet, Santa Cruz village, East Dili. They were suspected of their involvement in damaging the governor's office during a funeral procession. The two were taken to Polres Dili and then transferred to Polsek West Dili. Carvalho was held for three days before being released. Ximenes was also subsequently released.

Case 2.1.2

On 13 July, at 11 p.m., **Fransisco da Cruz**, 22, along with two other unidentified youths, were arbitrarily arrested by military personnel, while the youths were standing guard in Hudi Laran, Bairo Pite village, West Dili, against anticipated attacks by "Ninjas". Ninjas are roving gangs of masked or hooded men, hired by the Indonesian military to intimidate independence supporters, often by conducting night-time raids on their homes.

Upon arrest, the three youths were subjected to severe beatings and taken away in a military truck. They were detained for several days at Polres Dili before being released. While the victims were in detention their families were not informed of their whereabouts and they had no access to legal representation.

---

[19] Suspects must be served with a written warrant of arrest, unless they are caught 'in flagrante delicto', and their relatives must be furnished with a copy (Indonesian Criminal Code of Procedure, KUHAP Art. 18). Arrests are valid for a maximum of 24 hours, after which authorities must produce an arrest warrant or release the suspect (KUHAP Art. 19).

[20] Sole responsibility for arrest, detention and investigation in criminal cases rests with the police (KUHAP Art. 18).

Case 2.1.3

On 14 July, three East Timorese civilians, **Augusto da Silva**, 19, **Herminio** (no surname), 35, and **Augusto** (no surname), 25, were arbitrarily arrested by members of SGI, Kodim Bobonaro, the police, Brimob and the locally raised paramilitary group, Halilintar. Augusto da Silva was arrested in Dato Kota hamlet, Balibo village, Bobonaro District, while Herminio and Augusto were both arrested in Leohitu village, Balibo subdistrict. All three were arrested at night. The men were suspected of taking part in pro-referendum rallies and were interrogated as part of an effort by the military to obtain information regarding the organisers of the rallies. The men were arbitrarily detained at Kodim Bobonaro and released the following day.

Case 2.1.4

On 14 July, **Fransisco** (no surname) was arbitrarily arrested in Maubara, Liquiça district, by members of Kodim Liquiça 1638 and Koramil Maubara 03, while travelling on a bus en route from Suai to Dili.[21] It is believed that the arrest was made as part of the operation conducted by the military to prevent demonstrations against Integration Day, the official commemoration of Indonesia's formal annexation of East Timor on 17 July. Francisco was detained at Kodim Liquiça and subjected to torture. Sources who visited him reported that, as a result of the torture, his face was disfigured to the point of being almost unrecognisable.

On 18 July, Fransisco was taken away in a Kijang vehicle to Maubara where, it is alleged, security forces intended to kill him. However, in Maubara, Fransisco is believed to have screamed for help and attracted the attention of a crowd who had gathered at a nearby house for a funeral. When people in the crowd tried to assist him, it is believed the military decided to take Fransisco back to Kodim headquarters in Liquiça. It is believed he may still be held there in incommunicado detention, although this remains unconfirmed.

The perpetrators of Fransisco's arrest and torture have been identified as East Timorese members of the Indonesian military: Antonio Andrade, Administrative section head of Kodim 1638 Liquiça, Tome Diogo, Chief of SGI for Kodim 1638 Liquiça, Jacinto (no surname) from Kodim Liquiça, Chico Buti, Teofilo (no surname) and Antonio Gomes from Koramil 03 Maubara.

Case 2.1.5

On 24 July**, Nuno Lopes Soares Gama**, 25, was shot at, stabbed in the stomach with a bayonet, beaten and trodden on by members of the police and military during an operation in the area of the Comoro market. The victim was then arbitrarily arrested and his family was not informed of his arrest. According to the head of the Dili Police Information Service, Captain Widodo, Nuno Gama was suspected of the theft of a motorbike, last seen in the vicinity of the Comoro market. He was detained at the Wirahusada military hospital, and was subsequently released.

Case 2.1.6

On 27 July, four East Timorese youths, **Carlito Xavier**, 17, **Nuno Borges**, 20, **Fernando Pereira**, 20, and **Justino de Araujo**, 22, were arbitrarily arrested by members of a police pioneer unit at Delta housing complex, Comoro village, West Dili. The four were arrested under suspicion of involvement in the clandestine resistance movement. They were transported by car to Polda, Dili, where they were arbitrarily detained. While en route to Polda the youths were beaten up. The victims were subsequently released.

---

[21] ETHRC UA 13/98, 30 July 1998.

Case 2.1.7

On 30 September four East Timorese youths, **Marcos Belo**, **Agapito Belo**, **Carlos Pinto Belo** and **Ernesto Amaral Belo**, were arbitrarily arrested during a military operation in the hamlet of Kaisida, 10 kilometres from the city of Baucau.[22] The military operation was conducted at about 9.00am by an Indonesian Air Force unit from Lanud Baucau, the military airport. The military forces attacked seven houses in the hamlet, arrested the four East Timorese men and confiscated personal property belonging to residents of the hamlet including shoes, hats, knives and cassette recordings and documents relating to clandestine resistance activities.

The four detainees were taken to the Air Force headquarters at Lanud Baucau where they were interrogated and, it is believed, subjected to torture. They were accused of stealing an electric cable. However, it is believed the real reason for their arrest was that they were suspected of being members of the Clandestine Resistance, and that they had participated in public forums to discuss East Timor's future.

Three of the men, Agapito Belo, Carlos Pinto Belo, Ernesto Amaral Belo, were released after 12 hours. Marcos Belo was also subsequently released.[23] Given the circumstances, the ETHRC is concerned that the men were targeted solely for their non-violent political activities.

Case 2.1.8

Between 1 and 3 October, seven civilians are believed to have been arbitrarily arrested in the village of Uailori, Viqueque district, in an orchestrated military operation by troops from Battalion 646. Their names are as follows: **Gregorio Da Costa**, **Domingos Da Costa**, **Abel Funu Mau**, **Manuel Zunga**, **Fernando Da Cruz**, **Sertorio da Costa**, **Julio Ximenes**. It is not known whether the victims have since been released or are still being held.

Case 2.1.9

On 10 October, **Manuel Mendonca**, **Anito Goncalves** and **Gergio Amaral** were arbitrarily arrested by the military in Sukabilaran hamlet, Suai Loro village, Debos subdistrict, Suai. The arrest occurred after the three had been involved in a brawl with other civilians belonging to the Gadapaksi militia, in the border area of Belu district, West Timor. The men were detained at Polres Suai, and were then transferred to prison in Atambua, West Timor. After lengthy arbitrary detention, the three were released in November.

Case 2.1.10

On 19 October, high school student **Salvador Gomes** was arbitrarily arrested by a group of ten military personnel in Matadoro hamlet, Vila Verde village, West Dili. In the presence of his friends, the youth was stepped on and threatened with a pistol and forced into the vehicle driven by the perpetrators. He was then taken to Polres, Dili, where it is believed he was arbitrarily detained. It is believed that the victim was suspected of involvement in protests against the stabbing of an East Timorese university student in Kupang, West Timor.

---

[22] ETHRC UA 14/98, 5 October 1998.

[23] ETHRC UN 14/98PR, 10 November 1998.

Case 2.1.11

On 10 November, **Jacinto Lobato**, 28, **Ernesto Gaspar**, 27, **Domingos Martins**, 28, and **Julio Soares**, 26, all of Laumata village, Atabae subdistrict, were arbitrarily arrested by members of Territorial Battalion 144 and the Halilintar paramilitary. It is believed that the victims were temporarily held at the local military post. The five were interrogated and severely beaten before being allowed to return to their homes. It is believed they were suspected of participating in a political dialogue held in Atabae on 8 November. In the circumstances, it appears the men were detained solely for expressing their political views.

Case 2.1.12

In connection with the ABRI attack on the Alas subdistrict beginning on 9 November (see case 1.1.6 for details), large numbers of East Timorese civilians were arbitrarily detained, including some who were subjected to torture and ill-treatment (see case 3.1.6 for details). Up to fifty others are believed to have been killed (see case 1.1.6 for details) and numerous others became victims of random acts of violence committed by the military (see case 3.2.6 for details). Two young women were sexually abused and beaten by ABRI personnel (see case 3.3.2 for details).

The ETHRC received reports detailing the names of 40 who were arbitrarily arrested and detained. Of this number, ten were arrested on 16 November by members of Kopassus in their homes in the villages of Taitudak and Betanu: **Acacio Conceicao**, **Hermenegildo** (no surname), **S. Alves**, **Alvitu** (no surname), **Bensiol da Costa**, **Cursius da Costa**, **Duarte da Costa Fernandes**, **Jako'o** (no surname), **Januario da Costa Franco** and **Tobias Amaral**. It is not known whether they are still in detention because of difficulties in obtaining information from the Alas area.

Another five East Timorese people, believed to have been arbitrarily detained, were identified by CNRT in Dili: **Eduardo Magalhaes**, **Selcio Magalhaes**, **Victor da Costa**, **Miguel da Costa** and **Jaime da Costa**. It is believed the five were suspected of having links with Falintil. No further information is available.

The names of another eleven people believed to have been arbitrarily arrested were reported to the ETHRC by local sources: **Adroaldo Marques**, **Albino Fernandes**, **Antonio Xavier**, **Augusto Fernandes**, **Corcino da Costa**, **João Corte-Real**, **João Pachero**, **Luis Corte-Real**, **Mateus Tilman**, **Sancha Maria** (female), **Vicente** (no surname). Again, no further information is available.

Amnesty International reported that a further 36 East Timorese families were arbitrarily detained by the Indonesian Armed Forces (ABRI) at Dotik village.[24] It is believed the families were taken into custody in an attempt by the military to force them to reveal the identities of others in the village who had allegedly taken part in the 9 November attack on the Alas military base. The families were detained for at least two weeks and access to the families is believed to have been restricted.

---

[24] Amnesty International Urgent Action, UA 306/98, AI Index: ASA 21/108/98, dated 8 December 1998.

Case 2.1.13

Between late November and early December, numerous East Timorese youths were arrested during an intensive military operation in the Cailaco subdistrict, Bobonaro district, launched on 27 November. The detainees who were reported to the ETHRC were all subjected to torture and ill-treatment (see case 3.1.7 for details). It is believed the operation was conducted in order to find those responsible for the 27 November killing in Cailaco of two members of ABRI. One of the security force personnel responsible for the arrests has been identified as Paulo Gonçalves.

One group of eight youths were arbitrarily arrested on 27 November by members of BTT 144, Halilintar, Kodim and SGI, at their homes in the village of Aidabaleten, Atabae subdistrict. The youths were all subjected to torture and ill-treatment (see case 3.1.7 for details). Of the group, seven have since been released but **Agostinho Pereira da Silva**, remains in arbitrary detention at Polres Bobonaro. It is believed da Silva is being kept in detention because he admitted to having contact with members of Falintil.

On 24 December, ETHRC sources reported that approximately 250 civilians who had fled from the military onslaught in the Cailaco area, were taking refuge in Dili, under the auspices of KONTRAS, a local human rights organization. Others fled to the Maliana parish priest for refuge.

In addition, twelve others from the villages of Daudu, Saehae, Marko and Kauloko reported that money and valuables were taken from their homes during the military operation: **Jose Paulelo** (Rp 180,000), **Paul Ximenes** (Rp 240,000), **Julio Viana** (10 eggs), **Iria Caibui** (1 carton cigarettes), **Joaquim Ximenes** (1 Seiko watch), **Rofino Soares** (1 chicken), **Feliciano Martins** (Rp10,000), **Carlos Antonio** (Rp10,000), **Frederici Lopes** (Rp800,000), **Anita Soares** (Rp 500,000 and a sack of gold), **Cemeido Tavares** (Rp 500,000 and a sack of gold) and **Gusmao Oliveira Mota** (Rp 500,000).

Other cases reported to the ETHRC

See cases 2.1.14 to 2.1.20 in Appendix A for additional cases.

2.2 Enforced Disappearances

In the first half of 1998, the ETHRC received reports of 20 East Timorese who disappeared at the hands of Indonesian security personnel.[25] This report includes one additional case of disappearance from the first half of the year. Disappearance cases which were reported to the ETHRC in the second half of the year have not been included in this report as the information received was incomplete and it is not known whether those reported as disappeared have now been located. Lack of access to the territory for human rights organisations means that it is very difficult to obtain follow-up information about the progress of cases. People reported as "disappeared" have often been arbitrarily detained at unknown locations and the vast majority of these people are released in due course. However, those who are never located are likely to have been killed.

---

[25] East Timor Human Rights Centre, "East Timor: No Solution Without Respect for Human Rights", op. cit., page 19.

Further information about several disappearance cases from earlier periods is also included in this report. Unfortunately, some of the information obtained alleges that the disappeared people were in fact killed, but these reports are very difficult to confirm.

Case 2.2.1

On 2 February, **Fernando Barreto** was arrested in Cailaco village, Bobonaro district, allegedly by members of Kopassus. His current whereabouts is unknown.[26]

Case 2.2.2

Felisberto Maria dos Santos, 44, alias Sole-Solep, who was arrested and detained with Domingos Laranjeira, 36, José Sobral, 40, and Marcelino Fatima dos Santos, 29, by plain-clothed SGI personnel on 30 March 1997, is believed to be still missing.[27] According to sources Felisberto was suspected of belonging to Falintil, while the other three men were suspected of involvement in the clandestine resistance. The other three men are confirmed to have been released.[28]

According to an unconfirmed report, Felisberto may have died under torture in one of the military torture centres in Dili or Baucau. It was reported that he was tortured to death while being hung upside down.

Case 2.2.3

The whereabouts of **João Guterres**, 29, reported missing following his arrest on 15 May 1997, in Baucau district, is still unknown.[29] An ETHRC source later reported João Guterres to be in detention at Battalion 744 headquarters in Taibessi, Dili, where he was subjected to torture.[30] It was reported that he is being detained in a dark cell where East Timorese prisoners, who are going to be killed, are kept. Two unidentified East Timorese people were also reported to have been arrested and detained with João Guterres in the same cell.

According to a further unconfirmed report, João Guterres may have been killed in detention.

Case 2.2.4

The whereabouts of **Julio Gomes**, 19, of Luca village, Viqueque district, who disappeared after his arrest on 4 April 1997, is believed to be still missing.[31] He was arrested by two members of Gadapaksi Intel and members of the Rajawali battalion. It is believed that Gomes was arbitrarily arrested and the reason for his arrest is not known. Gomes' family went to Intel headquarters to inquire as to his whereabouts but was unable to obtain any information or to locate him.

---

[26] Amnesty International, Urgent Action, AI Index: ASA 21/89/98, 29 September 1998.

[27] ETHRC UA 9/97, 5 May 1997.

[28] ETHRC UA 9/97/PR, 15 July 1997 and ETHRC UN 9/97PR4, 13 October 1998.

[29] ETHRC UA 10/97, 23 May 1997.

[30] ETHRC UN 10/97PR2, 27 June 1997.

[31] ETHRC UA 11/97, 29 May 1997.

3. Violations of the Right to Integrity and Security of Person

Torture, rape and other cruel, inhuman or degrading treatment are serious violations of the rights to physical and psychological integrity of the person. In East Timor, there is, of course, a cycle of almost complete impunity for the perpetrators of these violations, as allegations are generally not investigated by the Indonesian authorities and perpetrators are not brought to justice.

In the period July to December, at least 63 East Timorese were subjected to torture at the hands of security forces, usually in order to obtain information. The ETHRC also received reports of 3 East Timorese people who were subjected to rape and sexual abuse, and 120 who were subjected to other cruel, inhuman or degrading treatment.

These violations generally occurred in police or military detention centres, but there are also cases of people being tortured or ill-treated at the time of their arrest. The fact that East Timorese people are tortured and ill-treated so frequently and systematically in Indonesian detention centres, makes it clear that Indonesian authorities have failed to meet accepted international standards in respect of treatment of prisoners in detention, to which Indonesia has subscribed.[32]

3.1 Torture

Case 3.1.1

On 10 July, five youths, **Cornelio Mauxeta**, **Geronimo Metan**, **Egas Vicente**, **Eurico** (no surname) and **Americo** (no surname) were arbitrarily arrested by military personnel in Holsa village, Maliana. It is believed that the arrests were made in connection with the military's attempt to suppress public expressions of dissent on 17 July, Integration Day. The youths were arbitrarily detained, interrogated and severely tortured for approximately three hours. Four of the youths were then released while **Americo** was held at Kodim Bobonaro. No further information about his detention is available.

Case 3.1.2

On 10 July, nine East Timorese youths, **José dos Santos Silva**, 25, **Abreu Maia**, 24, **Serafin Ximenes**, 28, **Fransisco** (no surname), 24, **Abel da Cruz**, 26, **Cipriano Domingos Oliveira**, 26, **Benjamin Billi**, 25, **Domingos Fernandes**, 25, and **João Carvalho**, 24, were arbitrarily arrested at night at their homes in Balibo village, Bobonaro district, by members of a combined unit of SGI, Brimob, Police, territorial troops, and Halilintar. The youths were suspected of planning to damage the Balibo Integration Monument, having a Fretilin flag in their possession, and of involvement in organising pro-referendum demonstrations in Dili. They were arbitrarily detained overnight at Kodim Maliana, during which time they were interrogated and subjected to torture.

---

[32] Indonesia has subscribed to the *United Nations Standard Minimum Rules for the Treatment of Prisoners* which provides detailed guidelines in relation to punishment within the prison system. The key provision of the Rules are: "Section 30(2): No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case." "Section 31: Corporal punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences."

Case 3.1.3

On or around 11 July, five East Timorese youths were interrogated and tortured in order to obtain information about the activities of other East Timorese youths. Based on information obtained, another five youths were arrested, three of whom were also subjected to torture.[33]

The first group of youths was arrested at about 11.00pm on 11 July: **Eugenio Sousa, Marito** (no surname), **Serafin de Jesus Ribeiro, Augusto Pinto** and 16 year old **Esaias** (no surname). At the time of their arrest, the youths were standing guard in the Beto hamlet in Comoro, Dili, for protection against "Ninjas". While standing guard, the five youths were surprised by twenty armed members of ABRI who asked them why they were there. The youths said they were keeping guard against Ninjas and the soldiers replied "we are the Ninjas", then started beating and torturing the East Timorese youths. They were all kicked and beaten with gun butts in order to extract information. Serafin de Jesus Ribeiro and Augusto Pinto were stripped naked and then hit in the face, forehead, head, chest and stomach.

It is believed information was obtained during the torture and the five were allowed to go free. However, based on the information obtained, another two East Timorese youths, **Carlito Guterres** and **Fernando Pereira**, were arrested. They were kicked and beaten with gun butts at the time of their arrest and accused of organising pro-independence youths to keep guard against Ninjas. They were later released.

Three other East Timorese youths were arbitrarily arrested and tortured the following day: **Januario Freitas**, **Abilio Vicente** and **Olandino Oliveira**. They were accused of being members of the clandestine resistance and being responsible for demonstrations calling for a referendum in East Timor. When the youths were arrested, they were thrown into two military trucks that were waiting nearby, containing Brimob members.

They were taken to West Dili Koramil, where they were detained for 24 hours. They were then transferred to Polres headquarters in Dili, where they were interrogated. During the interrogation session, the victims were stripped naked, tortured, and beaten with gun butts to all parts of their bodies. The security personnel conducting the interrogation also threatened to kill them if any East Timorese people from their area organised demonstrations in Dili, or attended pro-independence forums at the University of East Timor.

Following their arrest, the whereabouts of the three men was unknown until local sources located them at the Wirahusada military hospital, where they were receiving received treatment for injuries sustained during the torture. They were denied access to legal representation, and members of their families who tried to visit them were also refused entry. They were later released with orders to report daily to the authorities.

Case 3.1.4

Between 1 and 3 October ten civilians were arbitrarily arrested in the village of Cairui, Baucau district, by a force of 35 soldiers from the unit known as Team Paracommando, which was conducting an orchestrated military operation in the area. It is believed that they were interrogated, tortured and beaten in an effort to obtain information as to the whereabouts of the guerilla forces.

---

[33] ETHRC UA 12/98, 22 July 1998; ETHRC UA 12/98PR, 24 July 1998; ETHRC UA 12/98PR2, 20 November 1998.

The names of the victims are as follows: **Manuel Ximenes**, **Joaquin Simão Da Costa, Marcos Loimao Da Costa, Augusto Cailao Da Costa, Domingos Wailili Da Costa**, **Masinak Da Costa, José Livan Simenes, Martinho Cailao Da Costa**, **João Lela Ximenes**, **Abel Hunu Mau Soares**. It is not known whether the victims have since been released or are still being detained.

Case 3.1.5

On 13 November, during the military crackdown in the subdistrict of Alas (see case 1.1.6 for details), three youths, **Alo** (no surname), **Yosep** (no surname), and **Alarico** (no surname), were arbitrarily detained and tortured by territorial troops in Dotik village. The three youths were arrested while on their way to Lurin village to repair the car belonging to the local pastor. The pastor had left the youths at the local Koramil post, but while there, they were arrested, tied up and tortured by members of the post. The three were then taken to Kodim Manufahi and released the following day.

Case 3.1.6

Of the many civilians from the Alas subdistrict who were arrested and detained in November, eleven were subsequently charged for their alleged involvement in the attacks on the military. They have all been charged under Articles 106 and 110 of KUHP (Indonesian Criminal Code), Emergency Law No. 55 and Emergency Law No. 12. It is believed that all eleven were subjected to torture or ill-treatment by members of the Indonesian military before being transferred to Polda, Dili. Of the eleven, the violations experienced by the nine who remain in detention at Polda Dili are detailed below. The other two people facing charges are both young women, who were subjected to sexual abuse while in detention (see case 3.3.2 for details).

On 13 November, **Marcal Abel**, 23, of Lurin hamlet, Taitudak village, was arrested by members of Battalion 744. Upon arrest he was severely beaten about the face and chest with rifle butts. According to the victim, the torture persisted to the point where he lost consciousness and was then resumed as soon as he was revived. This process was repeated at least twice. He was then handed over to members of Battalion 315 who held him in detention for three days. As a result of the beatings, Abel is in very poor physical condition, has great difficulty eating or drinking, and experiences continuous bleeding from the mouth and nose.

On 13 November, **Aleixo Dias**, 36, farmer, of Lurin hamlet, Taitudak village, was arrested by members of Battalion 744 in Barike hamlet, Fahinean village. Upon arrest he was repeatedly punched and beaten with rifle butts, as well as sticks and stones. The victim suffered numerous cuts to the head and arms. Dias was then taken to Daramata hamlet where he was held for two days. During this time Dias was subjected to prolonged torture, including being beaten and burnt with cigarettes to the point where he lost consciousness for several hours. On 15 November Dias was brought to Battalion 315 military post where he was again subjected to severe torture. From there the victim was transferred to Kodim Manufahi, Same, where he was tortured further. According to ETHRC sources, the perpetrators of the torture at Kodim Manufahi included the wives of the soldiers stationed there.

On 13 November, **Marcelino Alves**, 20, was arrested by members of Battalion 744 in Barike hamlet, Fahinean village. He was taken to the BTT 315 post where he was tortured. He was punched, beaten with rifle butts and had part of one of his ears bitten off. Alves was then tied up, had faeces forced into his mouth and was ordered to swallow it. The victim was then beaten further until he was bleeding profusely.

On 15 November, **Filipe Fernandes**, 29, of Lurin hamlet, Taitudak village, was arrested in his house by the head of the Alas Kodim intelligence section. Fernandes was detained at the Kodim where he was tortured. He was repeatedly punched and beaten with wooden clubs until he fainted. Upon regaining consciousness, he was repeatedly stamped on and this caused severe bleeding from his face, head, and body. The victim was then tied and suspended by a rope for approximately four hours. As a result of his torture and mistreatment, Fernandes' arms and several ribs were broken.

On 16 November, **Longuinhos Xavier**,18, was arbitrarily detained at Koramil Alas, where he was severely beaten. According to ETHRC sources, Xavier was asked by the Koramil Intelligence Section Head to accompany him to the military post without any indication of the military's actual intentions. He was then locked in a small building next to the Koramil headquarters, where he was tortured. The victim was stripped naked, knocked to the ground, his hair was torn out, and he was punched and kicked in the face until it was swollen and bloody.

On 19 November, **Julio da Costa**, 48, head of Weberek hamlet, Dotik village, was arrested by members of Polres and Kodim Manufahi. Da Costa was suspected of involvement in the 29 October killing of three members of BTT 315. Upon arrest he was assailed with kicks and punches, and was knocked to the ground. The victim sustained cuts to the head and chin. He was then detained at Polsek Same for approximately 24 hours, where it is believed he was again beaten and tortured.

Mateus Maia, 25, **Alexandre da Costa**, 25, and **João Almeida de Jesus**, 28, all from Weberek hamlet, Dotik village, were also arrested. No information is available about their arrest but it is believed they were subjected to torture and are still suffering serious health problems as a result.

Case 3.1.7

From 27 November to 10 December, the Indonesian military launched an intensive operation in the Cailaco and Atabae subdistricts, Bobonaro district, following the 27 November killing of two ABRI members in Cailaco. Members of the Cailaco Koramil, Halilintar (a para-military group), SGI and combat troops from Battalion 745, systematically persecuted East Timorese civilians in their attempt to track down those responsible for the killings. The military operations were accompanied by such acts as shooting indiscriminately at houses, and intimidating and ill-treating the local population (see cases 2.1.13 and 3.2.7 for details). East Timorese civilians were beaten with rifle butts, punched and kicked, and some were arbitrarily arrested. Numerous East Timroese people were arbitrarily detained and subjected to torture and ill-treatment in detention, while others were tortured at other locations in order to extract information.

On November 27, two East Timorese youths were arbitrarily arrested by members of BTT 144, Halilintar, Kodim and SGI. **Crispin Correia**, 22, and **Ananias Soares**, 24, were arrested in their homes in the village of Meligo, Cailaco subdistrict. On 2 December, **Mariano Fernandes**, 30, **Agustinho Pereira da Silva**, 24, **Laurentino Martins**, 23, **Basilio Sousa da Silva**, 26, **Sergio Soares**, 20, and **Thomas Tavares**, 24, were also arrested at their homes in the village of Aidabaleten, Atabae subdistrict. It is believed the six youths were tortured during their arrest and up to the time of their detention. All eight were arbitrarily detained at Polres Bobonaro, where Crispin Correia and Ananias Soares were also subjected to torture and ill-treatment.

On or about 27 November, security force personnel shot into the house of **Vasco dos Santos**, 60, who was lying sick in his bed. Fortunately dos Santos was not shot but the military proceeded to beat and torture him until his body was bruised and swollen.

Another two men, **Gustavo** (no surname) and **Fransisco Soares**, were attacked in their houses and beaten and tortured by members of the Indonesian military. Francisco Soares was left lying in his house, badly injured, while Gustavo is believed to have disappeared following the assault. The ETHRC is still trying to confirm his current whereabouts.

On 5 December **Gaspar Nai Mali**, a teacher, 32, was arrested at his home in the village of Goulolo, Cailaco subdistrict, by four members of Halilintar who had their faces covered in black, like *Ninjas*. Gaspar was tortured while still holding his 15 month-old baby, Cesario, on his back. He was punched and kicked and beaten with rifle barrels and sticks. It is believed that he may have broken his hip as he was unable to stand after the beating, and his chest was so badly bruised that it was difficult for him to breath. Gaspar was taken by his family to the District Military Commander to protest about the torture. He was subsequently taken to a priest who then referred him to the civil hospital on December 6 where he was admitted for treatment. Gaspar and his wife were able to identify the four perpetrators of the torture as Viegas, a member of Halilintar and his wife, Imaculada, Feliciano and Benditu, also members of Halilintar, all from Cailaco Marco.

Between 2 and 4 December, ninety civilians from Cailaco took refuge from the military operation at the house of the parish priest in Maliana. On 4 December, the military commander for East Timor, Colonel Tono Suratman, together with the Maliana Kodim commander, gave assurances that the safety of those wishing to return to Cailaco would be guaranteed. This undertaking of safe passage for people returning to Cailaco was respected. However, on 5 December, the crew of a public minibus, **Evangelino Abel**, 32, **Salvador Soares**, 23, and **Ozorio Soares**, 16, were severely beaten by four masked men who were identified as members of the Cailaco Koramil post. The victims were stopped and assaulted in Bilimao hamlet, Cailaco, after taking home some people who had taken refuge in Maliana.

Between 7 and 10 December, in the wake of the military operation in Cailaco, civilians were targeted in further military sweeps through the surrounding villages of Daudu and Saehae, Cailaco subdistrict. At about 5pm on 7 December, members of Battalion 745 from the Daudu territorial post, Kopassus and the Halilintar para-military, entered the village and proceeded to intimidate and torture people in their homes throughout the night and the following three days.

Case 3.1.8

On 10 January 1999, the inhabitants of Gugleur village in Maubara subdistrict, Liquiça district, were attacked by members of Gadapaksi and Battalion 143. The victims sustained injuries from sticks and sharp weapons, such as machetes and spears wielded by the Gadapaksi members, and were also beaten and kicked. In addition, the victims' houses were ransacked, and livestock such as goats and chickens was stolen.

The men of each village were targeted for interrogation and torture. One of the victims, a farmer, was dragged from his house by Gadapaksi members, repeatedly kicked and beaten with a stick in front of a soldier from BTT 143, and accused of being a Fretilin supporter. A teacher, who protested about the treatment of local people, was whipped by Gadapaksi members using a chainsaw chain.

Around thirty men have fled from the Maubara district in search of protection in Dili. Some of them had earlier sought refuge at the local Koramil and Kodim posts, but military personnel there said that their injuries were exactly what could be expected if they opposed the supporters of integration with Indonesia.

The Gadapaksi members responsible for the attack are believed to have a long history of conducting terror campaigns against pro-independence supporters in the Liquiça district. According to ETHRC sources the perpetrators are from Vatuboro village, which is also the home village of the local district head, Leoneto Martins.

Other cases reported to the ETHRC

See cases 3.1.9 to 3.1.12 in Appendix A for additional cases.

3.2 Other Cruel, Inhuman or Degrading Treatment

Case 3.2.1

On 15 July, **Rosito Manuel da Silva**, 24, was shot by military personnel at Becora Terminal, East Dili, during a military operation aimed at suppressing opposition to the commemoration of Integration Day, 17 July. It is believed that he had brought his motorbike to a halt in the bus terminal when soldiers from a team consisting of members of BTT 744, Kopassus, Kostrad, C Company, and the Rajawali battalion, opened fire. The victim sustained gunshot wounds to the stomach, and he had to seek medical treatment.

Case 3.2.2

On 13 October, high school student, **Rui Kiak**, and University of East Timor student, **Domingos da Costa**, were arbitrarily arrested on the street in Dili. Upon arrest the youths were beaten with iron bars and rifle butts by members of Brimob and Polres Dili, and were then detained at Polres Dili. They are now awaiting trial under Indonesian criminal law. It is believed that the arrest was made as a reprisal for the physical assault of a Brimob member by the two youths on the previous day.

Case 3.2.3

On 30 October 1998, 26 prisoners at Becora Prison, Dili, were transferred to a military detention centre in Balide, Dili.[34] At midnight the prisoners were rounded up by the Indonesian military and it is believed they were subjected to violent beatings and hit with gun butts before being thrown into military vehicles. They arrived at the Balide military prison at 4.00am the following morning.[35]

It is believed the prisoners were transferred to the Balide military prison because they had openly expressed their political views. ETHRC sources reported that Indonesian authorities said the 26 prisoners had disturbed other prisoners by shouting slogans such as "Viva Xanana" and "Viva Independence". It is believed the prisoners had also participated in a hunger strike, which was undertaken in late August, to support calls for the release of Xanana Gusmão, the jailed leader of the East Timorese resistance. The prisoners' families and legal representatives became aware of the move the day after the prisoners were transferred and have since been allowed to visit them.

---

[34] ETHRC UA 16/98, 11 November 1998.

[35] The prisoners transferred were: Adelio de Fatima Barreto H, Agostino Moreira, Agostino Vital, Alberto Ximenes, Bernardo da Silva, Carlos Freitas, Constancio C Santos, Domingos Pereira, Eduardo dos Santos, Eusebio Ximenes, Floriano da Costa Xavier, João Alves Trindade, João dos Reis, Joaquim de Carvalho de Araujo, Jose Soares Menezes, Lamberto Freitas, Lino Xavier Nunes, Luis Antonio Soares, Manuel (no surname), Manuel Moniz, Mariano da Costa Sarmento, Matias Marçal Soares, Pedro Freitas, Romeo da Conceiçao, Salvador da Silva, Venancio (no surname). For full details of the political prisoners, see Appendix B.

Case 3.2.4

On 13 November, seven civilians from Nundae hamlet, Atabae subdistrict, were intimidated and had attempts made on their lives by members of Territorial Battalion 144 from the Atabae military post. After threatening them, the soldiers fired eight shots at the victims as they were running away. As a result of the shooting, **Damiaun Reis Cardoso**, 26, was injured and the remaining six victims fled to Dili. The current condition of Damiaun Cardoso is unknown. The names of the other six are as follows: **Marcelino Casmiro**, 30, **Miguel Batubere**, 14, **Teotonio Goveia**, 27, **Mateus Goveia**, 25, **Paulino Batu Mali**, 29, **Lourenco Piedade**, 54. It is believed the arrests were part of the military operations carried out in response to a political dialogue held in Atabae in early November. In the circumstances, it appears the men were targeted solely for expressing their political views.

Case 3.2.5

On 13 November, a Catholic catechist (religion teacher), identified as **George** (no surname), was stabbed and had his hair hacked off with a machete by members of Battalion 744 while travelling with a group of twenty catechists from Fahinian village to Tutu Luru village, Same district. The victim was threatened and told not to report the incident, while other soldiers were reported to have jeered at the group, "You all just pretend to hold the rosary. We hold the rosary too, and the Holy Bible. Those clothes you're wearing belong to Indonesia, not the UN".

The group was apparently travelling behind the Catholic pastor of Fatuberliu parish in a separate vehicle when they encountered the soldiers travelling in the opposite direction. The soldiers had already been informed by the pastor that the group following him were catechists of his parish on pastoral work.

Case 3.2.6

On 22 November, in connection with the Alas case (see case 1.1.6 for details), according to *Suara Timor Timur* (STT), East Timor's regional daily newspaper, twelve civilians were beaten with rifle butts by military personnel in the Manufahi district. The twelve were employees of a private company, PT Akam, and were reportedly suspected by the military on the grounds that some had long hair, in the style of guerillas. The incident was reported to STT by an eyewitness.

The names of the victims are as follows: **Armando Boavida**, **Deolindo Castailão Felipe**, **Ledi Simão**, **Salvador Soares, José da Silva**, **Nicolau Amaral**, **Leonardo Sampaio**, **Tomas da Silva**, **Luis da Silva**, **Antonio Castro**, **Domingos Manek Gama** and **Luis da Silva Soares**.[36]

Case 3.2.7

In early December, in connection with the Cailaco case (see case 3.1.7 for details), 36 civilians suffered numerous forms of mistreatment, including being punched, kicked, beaten with belts, sticks and iron bars, and being burnt with matches. Two men sustained serious injuries. **Jose**

---

[36] Suara Timor Timur, 25 November 1998.

Paulelo, 38, suffered severe bruising to the face and head, and broken teeth from being beaten with a piece of wood and rifle barrels. He was also burnt on the back with matches. **Semedio Tavares**, 37, was severely beaten. His hands were then tied and he was lead to a nearby hill where the beating was resumed.

Case 3.2.8

During the 3 January attack on a group of East Timorese youths by members of the Mahidin paramilitary group, six youths, **Celestinho da Silva Ferreira**, 19, **Hermenegildo Barros**, 20, **Marcus de Andrade**, 23, **Alipio Monteiro**, **Asiri M. Dutel Ferreira**, and **Domingos de Andrade**, 20, sustained serious injuries. A further two, **Jaime** and **Asiri**, were intimidated with gunfire by Mahidin members. The youths were suspected of being associated with one of the many pro-referendum youth groups that have sprung up under the presidency of B.J. Habibie. Such groups have been involved in conflict, often violent, with pro-Indonesian militia groups.

It is believed the shooting started when two of the youths, Jaime and Asiri, approached the Mahidin headquarters in the village of Munatasi, Ainaro subdistrict, intending to express their peaceful intentions and good will on behalf of a local group of alleged pro-referendum supporters. As the two approached the front of the building, two to three shots were fired at the youths from the Mahidin office. At this, the youths turned and ran. Asiri was struck by a bullet in the right hand.

When Jaime and Asiri reached the town of Ainaro, nearby, they immediately informed their friends of what had happened to them. On learning of the attack, eight other youths set out for the Mahidin headquarters, intending to stage a counter-attack. However, en route, the group was confronted by armed Mahidin personnel who immediately opened fire on them. Six of the youths sustained serious gunshot wounds and another two were killed instantly (see case 1.1.9 for details).

Other cases reported to the ETHRC

See cases 3.2.9 to 3.2.10 in Appendix A for additional cases.

3.3 Rape and Sexual Abuse

In the second half of 1998, the ETHRC received one report of an East Timorese women being raped by members of the Indonesian military and two cases of other types of sexual abuse. Rape is actually believed to be much more widespread than the small number of cases documented would indicate. This is because information about rape is particularly difficult to obtain as East Timorese women are reluctant to speak about their experiences of being raped.

Case 3.3.1

On 13 October, it is believed Arlinda de Jesus, 18, was raped by a member of Battalion 642 Post IV in Bubutau,. Fuat village, Iliomar. The perpetrator has been identified as Tukimun. According to Arlinda's niece, Marta da Costa, who witnessed the rape, the armed Indonesian soldier approached Arlinda and Marta while they were at a waterhole in Luanira and without a word, grabbed Arlinda and forced her into the bush. The soldier then raped Arlinda, despite her protests, and threatened her with the weapon not to scream. He also threatened to shoot Marta if she tried to run away: "If you scream or dare to tell any-one about this, I will shoot you dead!" After the rape the two women were told not reveal the rape to anyone, however, at the victim's request, Marta reported the incident to her family, who then reported it to the local authorities.

After the case became known to the local community, Miguel Pinto, an Intel officer from Kodim 1629 Lautem, threatened Arlinda, her family and the witness, demanding that they stop talking about the incident. During the confrontation with the Intel officer, it is believed the family refused to stop pursuing the case and Miguel Pinto withdrew a small axe from his waist and threatened to attack the victim's husband, Berlindo Medeira. He then unleashed the axe on nearby trees and rocks and shouted "Today I will kill you all, then I will call for a Hino truck to pick up your corpses and dump them away!" The victim's family reported this to the district authorities who inspected the damage and then ordered Miguel Pinto and six of his colleagues to return to Lospalos.

On 29 October, sixteen days after the rape had taken place, the local authorities and traditional leaders of Fuat village decided to investigate the case. Twenty-five armed members of Danki BTT 642 surrounded the village office where Arlinda and her family had gone to report the incident. The military tried to force the local authorities and leaders to deny the allegations made against the rapist and to accuse the victim and the eye-witness of fabricating the allegations. The leaders did not agree to the military's demands. Authorities have said the perpetrator will be tried in a military tribunal but to date, no proceedings have been initiated. Meanwhile, the victim and her family continue to harassed not to pursue the case.

Case 3.3.2

Of the eleven civilians facing charges for alleged involvement in the 9 November attack on the military post in Alas (see case 3.1.6 for details), two young women, **Etelvina Maria Dias**, 22, and **Vicentinha Fernandes**, 20, were subjected to sexual abuse and numerous other violations while being held at various military posts. The two women were nieces of Vicente Xavier, who was extrajudicially executed by the military (see case 1.1.6 for details).[37]

Etelvina and Vicentinha were arrested on 13 November in Barike hamlet, Fahinehan village, at the house of their relative, Pedro Alves. It is believed they had fled to Barike for protection but were located and arrested by soldiers from battalions 744, 745 and 315, who had been on duty at the neighbouring hamlet of Fahi Lequimau. They were tied together with a length of wire, kicked and beaten with rifles. The womens' relatives, Pedro Alves, Joaquin Maya and Raimundu, were also subjected to beating. The spare clothes which the women had brought with them from Lurin hamlet, in their attempt to flee from the military, were then burned and their money was taken away. During this time the women were repeatedly subjected to verbal sexual harassment. At about 4:30 p.m. the two women were taken to Daramata hamlet where they were detained overnight.

At 7:00 am on November 14, 1998 Etelvina and Vicentinha were taken to the BTT 315 post at Fahileqimau where they were beaten again and subjected to sexual abuse. The soldiers tore the womens' clothes and grabbed and squeezed their breasts and vaginas, saying that they must be hiding letters in their underwear. The soldiers also burnt the women's hair with matches.

On November 15, 1998 around 8:00 am the women were taken to Kodim 1634, Same, where they were again subjected to beating. It is believed the wives of the soldiers also joined their husbands in beating the women. At around midday, Etelvina and Vicentinha were escorted by police to Polres Manufahi where they were interrogated and were forced to make false confessions. The victims were not accompanied by lawyers during interrogation, and the content of the interrogation report, BAP, is not known. Etelvina Maria Dias and Vicentinha Fernandes have since been released but remain under house arrest and are awaiting trial.

---

[37] ETHRC UA 17/98, 23 November 1998.

4. Violations of the Right to Due Process

4.1 Breaches of Procedural Guarantees

East Timorese defendants are routinely denied their right to due process, both in pre-trial and trial proceedings, under the Indonesian legal system. Often, trials also fall far short of accepted international standards for fairness. The right to due process presupposes the existence of a set of minimum guarantees such as access to the courts and to legal representation, the opportunity to plead and produce evidence before the courts, and the right to receive sentences from the court within a reasonable period of time. While some procedural guarantees are provided under the Indonesian Criminal Procedure Code (KUHAP), these are often inadequate or are ignored by the Indonesian authorities. Moreover, fundamental rights such as the presumption of innocence, and the right to a hearing by a competent, independent and impartial tribunal within a reasonable period of time, are not guaranteed.

The ETHRC received some reports of violations of the right to due process in the period July to December 1998. Particularly prevalent was the lack of adequate access to legal representation,[38] and cases of confessions being extracted under duress of torture.[39]

Case 4.1.1

On 10 December, **João Soares Reis**, 22, **Bernardo da Silva**, 26, and **Floriano Xavier**, 22, were sentenced to twelve years imprisonment by the Dili State Court board of judges. The three youths, who were arrested in late February, had been accused of making contact with Falintil and possessing explosives and home-made arrows.[40] The board of judges found the defendants guilty under the 1951 Emergency Law No.12 and handed down a 12 year jail term, even though the sentence requested by the public prosecutor was only ten months.

According to ETHRC sources, the reason given for the harsh sentence was that the defendants had not shown any sign of remorse. In light of the severity of the sentence, the disparity between it and the recommendation of the public prosecutor, and the political nature of the case, lawyers for the defendants were concerned that the judges may not have been impartial. This was confirmed when the defendants appealed to the High Court and the sentence was reduced to 1 year.

---

[38] Suspects have the right to consult with and be accompanied by legal counsel of their own choice at all stages of interrogation (KUHAP Articles 54,55,57). Detainees have the right to ongoing access to their lawyers throughout the trial process (KUHAP Articles 54,56). Legal counsel should be free to meet and speak in confidence with their clients (KUHAP Articles 70, 71).

[39] Duress in any form may not be used by investigating officials to obtain information from a suspect or witness. (KUHAP Article 117).

[40] ETHRC UA 8/98, 1 June 1998.

5. Violations of Freedom of Expression and Association

The increased level of political freedom in East Timor, as seen in the widespread conduct of public political meetings, known as "dialogues", has not been matched by a reduction in violations of freedom of expression and association. In the second half of 1998, the Indonesian military have conducted a number of operations involving the arbitrary arrest and detention of civilians suspected of participating in these dialogues. In each case the motivation for these arrests has been political. The military has sought to discourage open discussion of the future of East Timor, and to crack down on those suspected of involvement in the clandestine resistance movement. This trend is seen in the latest wave of persecution and intimidation of civilians in the Bobonaro district following a dialogue conducted in Bobonaro on 8 November.

The violations of freedom of expression and association have not been documented separately as the cases also involve arbitrary detention and other violations. In fact, many of the arbitrary detentions documented above occurred in response to what would be seen as legitimate expressions of political dissent under international norms.

6. Other Violations

6.1 Intimidation and Persecution

Case 6.1.1

On 27 November, four civilians, **Jeca da Silva**, 28, **Alcides Abreu Maia**, 28, **Fransisco Maia**, 28, and **Patricio Santos de Jesus**, 27, were threatened with death and pursued by members of Koramil Balibo, SGI and Halilintar, in Balibo district. The four fled to Dili where they sought protection from Yayasan HAK, a local human rights organisation. The threats were part of the military crackdown in Atabae, launched in response to a political dialogue held on 8 November. In the circumstances, it appears the men were threatened because they had expressed their political views.

Case 6.1.2

On or about 22 November, during the military operation targeted at people involved in the Atabae political dialogue, another eight East Timorese people from the Cailaco subdistrict were threatened by members of BTT 144, Polres Bobonaro and SGI. The military personnel made threats to arrest and kill the eight civilians. Two of the victims, **Ananias**, 26, and **Rudolfo**, 26, were also shot at by the military. As a result of this intimidation the victims had to flee their homes.

The other six people were identified as **Manuel Mota**, 26, **Felisberto Soares**, 25, **Igidro Modeira Soares**, 20, **Eugenio Pereira**, 22, **Vasco Borges**, 28, **Angelo Soares**, 22. Again, it appears the men were threatened because they had expressed their political views.

Case 6.1.3

Between 29 November and 1 December, three units from Team Saka are believed to have terrorised the inhabitants of Quelicai subdistrict in the villages of Uai-Tame, Aiduqule, Uatuliu, Sama-Assa, Rogo, Bu'u-Bere, Caili-Bere, Suri-Lari and Dae-Me-Naha.

Case 6.1.4

On 2 December, two members of the Team Saka paramilitary group, identified as João Uai-Lari and Martinho Noko-Soro, fired six shots from their M-16 weapons at **Moise Ximenes Ramos**, 40, and **Lourenco da C. Neves**, 37. The incident occurred in the presence of other civilians attending a cock-fight at the local market in Samalari village, Baguia subdistrict. The victims were unharmed.

At the time of the incident, the perpetrators were reported to have said, "You are all rebels, and can easily be killed. There'll be no problem, because you are rebels". It is believed that the two were targeted for intimidation because of their alleged involvement in organising political dialogues.

Other cases reported to the ETHRC

See case 6.1.5 in Appendix A for additional case.

7. Alleged Violations by Falintil

Case 7.1

On 2 April, **Domingos Amandio**, 43, **Domingas da Costa**, 39, and their eighteen month old daughter, **Maria da Costa**, were shot dead in their home in Garuai village, Baucau district (see case 1.1.1 for details). While the perpetrators are unknown, the killings are believed to be politically motivated. There are two conflicting versions of the incident: the first version is that the Indonesian military is responsible for the killings, while the second version is that the East Timorese Resistance is responsible. The ETHRC has not been able to confirm which version is correct and has therefore called for a full and impartial investigation.

According to the Indonesian police force, Amandio's name was amongst a list of names found in an earlier raid on the house of Salustiano Freitas.[41] The list was said to contain names of East Timorese believed to have collaborated with the Indonesian military. It is also alleged that a gun belonging to Amandio was found in Freitas' house.

It is believed Domingos Amandio was originally a member of Falintil, the East Timorese National Liberation Army, but left to join the Indonesian civil defence group, Hansip. He was later put into the ABRI group, known informally in East Timor as MILSAS.

Case 7.2

On 31 October, at the transmigration site of Weberek, Manufahi district, following a pro-referendum meeting, a civilian, identified as **Mohammad Slamet Imam Prabowo SE** was killed by Falintil guerillas. Three members of the Indonesian military, Sergeant Abdul Latief, Sergeant Zainuddin and Private Siswanto were also killed. The civilian and ABRI members are believed to have infiltrated the Weberek political meeting. When discovered, the four men were taken away by ABRI guerillas and stabbed to death.[42] The incident led to serious repercussions for the civilian population of Alas subdistrict when the Indonesian military launched an intensive operation in the area, resulting in extrajudicial executions, arbitrary detentions and intimidation of the local population (see cases 1.1.6 and 2.1.12 for details).

---

[41] For details, see ETHRC UA 6/98, 20 May, 1998.

[42] Human Rights Watch Asia, Media Release, 23 November 1998.

Case 7.3

The Indonesian newspaper, Suara Pembaruan, reported that on 19 November, **Ernesto da Costa**, Secretary of Comoro village, West Dili, was shot dead in Caibada village, Baucau. The report alleged that members of the resistance movement were responsible for the killing and that the victim was a known pro-integration supporter, however the ETHRC has not been able to confirm the alleged killing.

APPENDIX A: Other Violations Reported to the ETHRC

Case No.	Name & Age	Address	Date of Violations	Location of Violations	Perpetrators	Violations	Details
2.1.14	Nuncio Americo, 23 Diamantino dos Reis, 24 Sebastiao da Costa, 25 Jose Antero, 26 Costantino (no surname), 24 Miguel (no surname), 24		11 July 98	Bobonaro	SGI, Kodim, Brimob, Police, and Halilintar combined unit	Arbitrary detention	Subjected to interrogation. Suspected to have knowledge of the organisers of pro-referendum demonstrations in Dili. Later released.
2.1.15	Celestino Pinto, 38		13 July 98	Dili	Unknown	Torture	Reason unclear
2.1.16	Domingos Damos, 27	Kampung Baru, Comoro, West Dili	14 July 98	Dili	Police and SGI	Arbitrary detention	Accused of committing a traffic offence. Suspected of involvement in clandestine activities. Later released.
2.1.17	Inacio Gomes, 25 Fortunato Tilman, 25		14 July 98	Dili	SGI, BTT 512 and Police combined unit	Arbitrary detention	Detained at Polsek Dili. Suspected of involvement in vandalism of the governor's office. Later released.
2.1.18	Joao Bere, 15		16 July 98	Bobonaro	Kodim 1636, Maliana	Arbitrary detention	Kodim Bobonaro and released 24 July. Allegedly knew organisers of pro-referendum demonstrations.
2.1.19	Miguel Rendez, 22 Aquilino (no surname), 21		17 July 98	Bobonaro	Kodim 1636	Arbitrary detention Torture	Suspected of planning to disrupt Integration Day, 17 July. Detained at Kodim Bobonaro and later released.

2.1.20	Elidio M. Belo, 24 Gregorio Adelaide Pereira, 22 Agapito Ximenes, 21 Raimundo P. da Cruz		18 July 98	Dili	Police and SGI	Arbitrary detention	Suspected of inciting a riot which took place in Vila Verde. Later released.
3.1.9	Adriano Corte Real, 52	Hola Rua village, Same	Early July	Unknown	Unknown	Arbitrary detention	Detained for several days.
3.1.10	Duarte Freitas, 28	Senayan, Jakarta	14 July 98	Jakarta	Plain-clothed military personnel	Ill-treatment	Apprehended in the street and beaten unconscious. Reason unclear.
3.1.11	Ildefonso dos Santos, 24 Maubuti, 28	Kamea village, East Dili	11 July 98	Dili	Brimob, SGI, Military Police and combined unit	Arbitrary detention	Accused of carrying a bladed weapon and being without ID. Suspected of attending demonstration against UN envoy. Later released.
3.1.12	Jose Pinto Baptista, 28	Lahane village, Dili	17 July 98	Ermera	Unknown military unit	Arbitrary detention	Reason unclear. Current whereabouts unknown.
3.2.9	Antonio (no surname), 24		10 July 98	Dili	Group of 30, black-dressed military personnel	Assault	Stabbed with a bayonet. Suspected of being leader of the pro-independence youth.
3.2.10	Jose Antonio da Silva, 31		16 July 98	Dili	Gadapaksi	Assault	Beaten up. Reason unclear.
6.1.5	Duarte Guterres, 15		23 July 98	Dili	BTT 512	Death threat	Accused of firearm possession. Coerced into providing information on civilians.

APPENDIX B: East Timorese Political Prisoners, Convicted and Held in East Timor and Indonesia

No.	Name	Date of Arrest	Sentence	Charges	Details	Place of Detention
1.	Adelino Saldanha		Sentenced on 3/9/93 to 8 years			Baucau detention centre
2.	Adelio de Fatima Barreto Henrique	June 1997	18 months	KUHP Articles 106 and 338	Brimob headquarters assault, Dili, May 1997.	Transferred 3/10/98 to Balide prison, Dili
3.	Afonso Manuel	Sept 1997	2 years	Articles 106, 108, 110 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
4.	Agapito da Sousa		Sentenced on 16/9/97 to 3 years 6 months			Baucau detention centre
5.	Agostinho da Costa Belo	April 1997	Sentenced 9/97 to 2 years			LP Becora, Dili
6.	Agostinho dos Santos	June 1997	10 years			Transferred 3/10/98 to Balide prison, Dili
7.	Agostino Moreira	July 1996	5 years	Article 338 KUHP	June 1996 disturbances in Baucau	Transferred 3/10/98 to Balide prison, Dili
8.	Agostino Vidal	June 1996	6 years	Article 170 KUHP	June 1996 disturbances in Baucau.	Transferred 3/10/98 to Balide prison, Dili
9.	Alberto da Silva Gaio					Baucau detention centre
10.	Alberto Ximenes	October 1997	8 years			Transferred 3/10/98 to Balide prison, Dili
11.	Albino Carlos Freitas	June 1997	12 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java

12.	Alexandre Freitas Alves	June 1997	12 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
13.	Aniceto Ornai	June 1997		KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
14.	Armindo da Costa	Sept 1997	10 years	Articles 106, 108, 110 & 340 KUHP	Attack on police station, Baucau, May 1997.	LP Becora, Dili
15.	Armindo da Costa Ornai	June 1997		KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
16.	Bernardo da Silva	Feb 1998	1 year		Alleged political activities and possession of home-made bombs and arrows.	LP Becora, Dili
17.	Boaventura Belo, 16	June 1997	12 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
18.	Carlos Anita					LP Becora, Dili
19.	Carlos Freitas	July 1997	4 years	Articles 338 and 340 KUHP	Killing of ABRI member in Vemasse, Baucau district.	Transferred 3/10/98 to Balide prison, Dili
20.	Celestino Viegas	June 1997				LP Kalisosok, Surabaya, Java
21.	Constancio C Santos	Sept 1997	20 years	KUHP Art. 106,110 Law No.12/1951	Possession & transport of home-made bombs and weapons.	Transferred 3/10/98 to Balide prison, Dili
22.	Daniel Freitas	June 1996	8 years	Unconfirmed – KUHP Art. 106 & 110	AI list of prisoners. June 1996 disturbances in Baucau	LP Becora, Dili
23.	Denis Alves Pereira		Sentenced on 9/10/98 to 3 years 6 months			Baucau detention centre
24.	Domingos da Piedade	June 1997		KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
25.	Domingos DC		6 years, 5 months			LP Becora, Dili

26.	Domingos Freitas de Jesus	June 1997	11 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
27.	Domingos Pereira	1997	1 year 6 months	Articles 106, 108 and 110 KUHP	Brimob headquarters assault, Dili, May 1997.	Transferred 3/10/98 to Balide prison, Dili
28.	Domingos Sarmento	June 1997	12 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
29.	Domingos Savio Freitas	June 1997	12 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
30.	Domingos Soares					LP Becora, Dili
31.	Eduardo dos Santos	October 1996	10 years			Transferred 3/10/98 to Balide prison, Dili
32.	Felisberto Gaio Correia		Sentenced 28/7/98 to 8 months			Baucau detention centre
33.	Filomeno Freitas	June 1997	13 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
34.	Floriano da Costa Xavier	Feb 1998	1 year		Alleged political activities and possession of home-made bombs and arrows.	LP Becora, Dili
35.	Fortunato Ximenes	June 1997	12 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
36.	Francisco da Conceição	June 1997	10 years	Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
37.	Francisco da Costa	June 1997	Death, commuted to life sentence	KUHP Art. 106, 108, 110, 214, 340, 55 and Law No 12/1951	Assault on Indonesian military truck, Quelicai, May 1997.	LP Becora, Dili
38.	Francisco da Silva	May 1997	10 years	Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili

39.	Francisco do Carmo	June 1997	1 year, 6 months	Articles 106, 108 and 110 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
40.	Francisco Freitas	July 1997	4 years	Articles 340 KUHP	Killing of ABRI member in Vemasse, Baucau district.	LP Becora, Dili
41.	Francisco Miranda Branco	Dec 1991	15 years	Anti-Subversion Law	Santa Cruz demonstration, 12 November 1991	LP Kedung Pane, Semarang, Java
42.	Francisco Soares	May or June 1997	10 years	Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
43.	Gregorio da Cunha Saldanha	Nov 1991	Life	Anti-Subversion Law	Principal organizer of Santa Cruz demonstration, 12/11/98	LP Kedung Pane, Semarang, Java
44.	Helder Mascarenhas					LP Becora, Dili
45.	Henrique Belmiro Guterres	Dec 1994	6 years 2 months	Articles 106 and 110 KUHP	Convicted for being Xanana Gusmao's driver.	LP Becora, Dili
46.	Ijidio da Cunha	June 1997	10 years	Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
47.	Jacinto das Neves Raimundo Alves	Nov 1991	10 years	Anti-Subversion Law	Santa Cruz demonstration, 12/11/98	LP Kedung Pane, Semarang, Java
48.	Jaime Freitas				Incommunicado detention.	Kopassus Baucau
49.	João Alves Trindade	October 1996	10 years			Transferred 3/10/98 to Balide prison, Dili
50.	João Bosco Ximenes	June 1997	9 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
51.	João da Cunha	June 1997	3 years	Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
52.	João de Deus	July 1997	4 years	Articles 338 and 340 KUHP	Killing of ABRI member in Vemasse, Baucau district.	Manatuto detention centre

53.	João de Deus Pineiro	June 1996	2 yrs 3 months	Article 187 KUHP	June 1996 disturbances in Baucau.	LP Becora, Dili
54.	João Freitas	June 1997	12 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
55.	João Freitas da Camara	Nov 1991	10 years	Anti-Subversion Law	Organizing demonstration in Jakarta against Santa Cruz massacre	Cipianang prison, Jakarta
56.	João Salvador Neto		Sentenced on 3/5/98 to 2 years			Baucau detention centre
57.	João Soares Reis	Feb 1998	1 year		Alleged political activities and possession of home-made bombs and arrows.	LP Becora, Dili
58.	Joelson Belo		14 months	Articles 297(1), 332, 64(1) KUHP		LP Becora, Dili
59.	Jose da Costa	April 1998	Sentenced on 11/8/98 to 6 months	Articles 106 KUHP and Law No.12/1951	Accused of harbouring Falintil guerrillas and hiding weapons in bunker in Baucau.	Baucau detention centre
60.	Jose Soares Menezes	June 1997	10 years			Transferred 3/10/98 to Balide prison, Dili
61.	Justino Graciano Freitas	June 1997	13 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
62.	Juveano Nue Ribeiro				Accused of aiding Falintil.	Baucau detention centre
63.	Lino Xavier Nunes	July 1997	5 years	Unconfirmed – possibly KUHP Art. 338 & 340	Killing of ABRI member in Vemasse, Baucau district.	Transferred 3/10/98 to Balide prison, Dili

64.	Lucio de Jesus	April 1998	Sentenced 19/8/98 to 6 months	Law No.12/1951	Alleged member of clandestine resistance, accused of hiding weapons in Baucau bunker.	Baucau detention centre
65.	Luis Antonio Soares	June 1997	10 years	Articles 106, 108, 110 & 340 KUHP	Attack on police station, Baucau, May 1997.	Transferred 3/10/98 to Balide prison, Dili
66.	Luis Maria da Silva	June 1997	Death, commuted to life sentence	KUHP Art. 108, 110, 214, 340 & 56 and Law No 12/1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Becora, Dili
67.	Manuel da Silva					LP Becora, Dili
68.	Manuel Henrique		Sentenced 3/9/93 to 8 years			Baucau detention centre
69.	Manuel Moniz					Transferred 3/10/98 to Balide prison, Dili
70.	Marcos Ximenes	June 1997	13 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
71.	Marcos Ximenes Belo	June 1997	9 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
72.	Mariano da Costa Sarmento	May or June 1997	10 years	Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	Transferred 3/10/98 to Balide prison, Dili
73.	Mariano Soares					LP Becora, Dili
74.	Mario Filipe	June 1997	9 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
75.	Martinho Soares da Silva					Baucau detention centre
76.	Mateus Lopes	June 1997		KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
77.	Mohamad Amin Dagal	June 1997	13 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java

78.	Orlando Joaquim da Cruz				Allegedly set fire to a church.	Baucau detention centre
79.	Pedro Freitas	July 1997	5 years	Article 340 KUHP	Killing of ABRI member in Vemasse, Baucau district.	Transferred 3/10/98 to Balide prison, Dili
80.	Reinaldo Marcal	May or June 1997	10 years	Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
81.	Romeo da Conceicao	May or June 1997	10 years	Articles 55, 106, 108, 110 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	Transferred 3/10/98 to Balide prison, Dili
82.	Rui Ivo de Sa Freitas	May-July 1997	2 years	Articles 333 and 340 KUHP	Killing of ABRI member in Vemasse, Baucau district.	Manatuto detention centre
83.	Sabino Barbosa Ximenes	Sept 1997	2 years, 2 months	KUHP Article 340	Alleged member of clandestine resistance, accused of murder.	Baucau detention centre
84.	Salvador da Silva	June 1996	13 years (or 3 years, unconfirmed)	Article 187 KUHP	June 1996 disturbances in Baucau.	Transferred 3/10/98 to Balide prison, Dili
85.	Saturnino da Costa Belo	Nov 1991	12 years	Articles 154 and 155 KUHP	Organized / participated in Santa Cruz demonstration 12/11/91	LP Kedung Pane, Semarang, Java
86.	Thomas Henrique Pinto		Sentenced 15/10/97 to 8 years			Baucau detention centre
87.	Venancio Amaral					
88.	Virgilio Martins	June 1997	11 years	KUHP Art. 106 and 340; Law 12 of 1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Kalisosok, Surabaya, Java
89.	Xanana Gusmão	November 1992	Life, commuted to 20 years	KUHP Art. 106 and 108; Law 12 of 1951	Leader of East Timorese Resistance movement	House arrest

Appendix C: East Timorese Political Prisoners, on Trial or Awaiting Trial in East Timor

No.	Name	Date of Arrest	Stage in Process	Charges	Details	Place of Detention
90.	Bernardo Mendes		Awaiting trial		Alleged clandestine resistance member, accused of supporting Falintil	LP Becora, Dili
91.	Florindo Gomes		Awaiting trial		Alleged clandestine resistance member, accused of supporting Falintil	LP Becora, Dili
92.	João Evangelino	April 1998	On trial	Articles 106 KUHP and Law No.12/1951	Accused of harbouring guerrillas and of illegal possession of weapons	Baucau detention centre
93.	João Soares	June 1997	Awaiting trial		Alleged clandestine resistance member, accused of supporting Falintil	LP Becora, Dili
94.	Jose Soares		Awaiting trial		Alleged clandestine resistance member, accused of supporting Falintil	LP Becora, Dili
95.	Rogerio Viegas Vicente		On trial	Articles 55 and 338 KUHP	Accused of attempted murder of ABRI member.	Maliana detention centre
96.	Rui Campus	January 1998	Awaiting trial			Baucau detention centre
97.	Juviano Nue Ribeiro		Awaiting trial		Accused of providing material support to Falintil	Baucau detention centre